

1. Policy GP1 – Development Control

It is noted that this application is outside the settlement development boundary. The Community Council accept, however, that this could be considered as natural infill of the current boundary.

2. Policy HP5 Residential development

The Community Council would ask for a mix of proposed housing to include single storey properties which would allow residents to down size and also provide the first step on the housing ladder for others.

There are concerns about residential housing adjoining the business site of Lloyd Fraser which operates 24 hours a day and we would suggest an earth bund is constructed with tree planting to minimize any noise.

There are also concerns about the number of allocated Open Space areas– details should be submitted of how this will be managed in the future.

3. 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.

4. Policy GP4 – Highways and Parking requirements

The proposed re-routing of City Lane onto the Estate road and then onto a mini-roundabout would help solve an existing problem of vehicles exiting City Lane which are often in conflict with motorists travelling through the traffic calming. The Community Council would ask, however, that the mini roundabout is raised to prevent vehicles from travelling across it which is what happens to the 2 other mini-roundabouts in the village. It should also be part of the planning condition that the existing traffic calming opposite City House is removed and replaced with a speed hump across the carriageway. This would then prevent larger vehicles from straddling the speed hump. Highways Dept are currently taking forward proposals to add double yellow lines along this stretch of the B4393 and this should also be a condition of any development.

5 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.

2nd Response

Llandysilio Community Council have received notice of an amended proposals in respect of the above and note that the number of dwellings has been reduced to 20. There is no plan on the website detailing the new lay out and no response to my email request for one.

The Community Council considered the revised proposals at their meeting on the 25th January and agreed to OBJECT to these proposals for the following reasons.

1. Policy GP4 – Highways and Parking requirements

As already highlighted there is an existing problem with conflicting vehicle movements due to the presence of the chichane opposite City House and the junction to Foxen Manor. It is very important that a roundabout is installed here rather than add a further staggered junction into an existing problem. It is also important that any development here should also involve the removal of the traffic calming opposite City House and replace it with a speed hump across the carriageway. This would then prevent larger vehicles from straddling the speed hump. Highways Dept are currently taking proposals to add double yellow lines along this stretch of the B4393 and this should also be a condition of any development.

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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.

Powys Highways

1st Response

The County Council as Highway Authority for the County Class II Highway, B4396

Wish the following recommendations/Observations be applied
Recommendations/Observations

Site

On site – there is wide spread application of private drives. These have substandard layout and turning provision. Parking and bins collecting positions should be clarified.

The proposal includes the realignment of City Lane. This will require a Stopping up Order; the proposals for which have not been tabled.

Access

More information (and Topo' survey) would be needed at the access. A full check (against TA note 54/07) needs to be carried out on whether the four-way Mini-roundabout option meets the proposed situation/ flow predictions. Key dimensions should be referred to and shown on the plan.

Surrounds

The applicant should clarify how existing street features will be accommodated or altered.

Conclusion

In its present form the application is not acceptable. The further information and clarification suggested above should be supplied.

2nd Response

The County Council as Highway Authority for the County Class II Highway, B4396

Wish the following recommendations/Observations be applied
Recommendations/Observations

The following conditions are made in relation to the amended drawing RPP/TW-Jo823-03 Revision B.

As part of this development we will be seeking improvements to the Active Travel infrastructure to link this site to the centre of the village. In addition, in order to facilitate the new junction the access proposals include the re-alignment of the existing unclassified highway, City Lane, to link onto the new estate road and we will require that the applicant provide for the funding of the Traffic Regulation Order for the stopping up of the junction to vehicular use.

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 B4393 to the village centre shall be submitted to 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 any works being commenced on the development site the applicant shall submit and have approved in writing a scheme for the stopping up of the existing junction of the U4902 and B4393 and the approved scheme shall be implemented in full to the written satisfaction by the local planning authority.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. 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.
11. The width of the access carriageway shall be not less than 5.5 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.
12. 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.
13. Any internal side-road junctions shall have a corner radii of 6 metres.
14. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres
15. 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.
16. 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.
17. 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,
18. 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.

19. 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.

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

Powys Building Control

Building Regulations application will be 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 rather than to named individuals, including the STW ref within the email/subject.

Cllr Arwel Jones

I refer to the email received from Llandysilio Community Council re the above planning application and take it that it will have to come to committee given the fact it is outside the development plan.

Also can I give you notice that the Community Council and myself will speak at the meeting. Many thanks.

Could you please confirm for the records.

Powys Environmental Health

1st Response

Re: Residential development for up to 35 dwellings, formation of a vehicular access, and all associated works.

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.”

2nd Response

Thank you for drawing this issue to my attention, I was not aware that there were commercial/industrial operations so close to the application site. In light of this, I would request that the applicant undertakes a BS 4142:2014 noise survey: "Methods for rating and assessing industrial and commercial sound". This will establish whether or not the site is suitable for residential development, or whether noise mitigation measures will need to be incorporated into the design.

Without a BS 4142:2014 report, I will have to object to the application at this stage due to lack of information.

3rd Response

Noise impact assessment

The BS 4142 noise assessment has shown that nearby industrial activity has a significant noise impact on the development site, particularly on those parts of the site closest to the boundary with industry. The report concludes that mitigation will be necessary in order to reduce the noise impact, and it is proposed that a 5m high barrier will be created along the western boundary of the site consisting of acoustic fencing on top of an earth bund.

However, this noise barrier alone fails to achieve desirable noise levels for some of the properties. The daytime outdoor noise levels in eight of the gardens will be above the World Health Organization guideline value of 50dB for moderate annoyance. Furthermore, in four of those properties the night time levels will be greater than 5dB above background, which indicates a likely adverse impact. These are my two areas of concern which I would like to see addressed with further mitigation measures.

In its current form I must object to the application.

4th Response

Further to my previous email in response to the noise impact assessment report, I have received correspondence (see below) from the agent.

It is my understanding that the mitigation works, required to resolve the two issues I have raised, can be achieved by making alterations to the indicative internal and external layouts of the site, or by similar means (e.g. boundary treatments). As such, I would have no objection to confirming these measures at the reserved matters stage.

Is this something we will need to condition now so that it can be dealt with later?

5th Response

Further to the additional noise information, I can respond as follows.

Outdoor noise levels (daytime/evening)

I accept the point that the absolute noise level from the commercial activities (without the application of tonal penalties) will be in the range between 42-46 dB. I have undertaken some noise monitoring at the site in order to validate the background noise levels quoted in

the report, and I can confirm that the values stated are correct; the typical daytime background level is L_{A90} 48 dB. It is not explicit on the plans, but if solid wooden or brick garden fencing is used this will also provide additional acoustic shielding from the commercial noise.

Therefore, I am satisfied that there should be no loss of amenity due to noise during the day/evening periods.

Indoor noise levels (night-time)

The issue of night-time noise affecting plots 11-14 is to be resolved by orientating the development so that no bedrooms at the properties face the noise source. This is confirmed in the amended block plan. I am satisfied that this will achieve the desirable indoor noise level.

And just to confirm, it should be noted that all of the above is contingent on mitigation achieved by the use of a 5m high acoustic barrier along the western site boundary. If this is not an acceptable approach from a Planning perspective, then other noise mitigation measures will need to be proposed.

Powys Built Heritage

1st Response

Thank you for consulting me on the above application.

The proposal is for outline planning permission for 35 dwellings at land south of the B4393. The application is made in outline with 4 matters reserved however the access is to be determined at this stage.

The proposal is adjacent to a number of historic assets namely;

Scheduled Ancient Monuments

MG033 Offas Dyke extending 3000m SE to Bele Brook Llandrinio

Listed Buildings

Cadw ID 8527 The Post Office included on the statutory list on 05 April 1993

Cadw ID 8528 House attached to Post Office including forecourt walls and railings included on the statutory list on 05 April 1993

Cadw ID 8525 Greenfield House included on the statutory list on 05 April 1993

Cadw ID 8526 Old Milk Factory adjacent to Greenfield House included on the statutory list on 05 April 1993

The site is close to a Scheduled Ancient Monument, MG033 Offas Dyke extending 3000m SE to Bele Brook Llandrinio and as Cadw are the consultee in respect of Scheduled Ancient Monuments and as such I shall provide comments on the listed building only. I note the comments by Cadw dated 23 October 1997

TAN 24 advices (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and

provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

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

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

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

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

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

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

Evidential Value

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

The Post Office was constructed in 1868 as a purpose built general stores and is 2 storeys with cellar of red brick.

The House adjacent to The Old Post Office was formerly known as City House in a prominent corner plot and fronts onto the B4393. The railings referred to in the listing are intersecting cast-iron railings formed of round arches between main uprights with ball finials, set on low brick forecourt walls with dressed stone copings.

Greenfield House is in a central position south of The Clawdd and built as an owners or managers house for the adjacent Milk Factory.

Old Milk Factory is a three storey red brick with roadside end having tall central opening with segmental arched head infilled with a modern loading door in each storey

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 Post Office has a square dressed date stone with date shield set in quatrefoil recess: "HP 1868" and a George V wall letter-box set in brick pier attached to left front. The interior has many original features 1868 shop fittings survive including shelves, drawers for herbal products and remedies, open shelving partitioned with turned spindle supports, counters with panelled fronts divided by pilaster strips. Counter to right has inset brass measure and behind, a yardstick in the original fitted holder. To centre right is window through to house, to rear is Gothic-arched plank door and steps up to first floor with turned newel. To rear left is plank and glazed office partition. Rows of iron rods for hangings are suspended from the ceiling. The side windows have moulded architraving and panelled shutters. Moulded ceiling cornice. Cast iron columns at corners of front window splay. 1914 wooden telephone kiosk. The general stores incorporated on the ground floor departments for drapery, haberdashery, medicinal products, household goods and groceries. On the first floor was an undertaker's showroom selling coffin linings, shrouds etc with a separate room for customer consultations.

The house adjoining The Post Office contains many original features and to the rear of the house is a two storey, red brick, slate roofed outhouse with surviving bread oven, hot water copper and carved stone sink.

Greenfield House retains its original external features and the adjacent Old Milk Factory was constructed as a purpose built milk processing plant and the top floor was used as Village Assembly Rooms for meetings and entertainment in late C19.

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.

All four listed buildings have a relationship with each other illustrating the development of Four Crosses. The Post Office is listed as a well-preserved general stores and attached

house, opened at the relatively early date of 1868, is a fine example of rural Victorian enterprise. It must have required considerable investment as well as greatly improving the range of services for this community. The Milk Factory forms a group with Greenfield House and together with City House (The Post Office) illustrates a short-lived phase of entrepreneurial development in Four Crosses in the mid C19. The industrialisation of milk processing was closely linked to the expansion of specialised dairy herds on enlarged farmyards in Domgay and Haughton. Together with the coming of the railway the Milk Factory and the Post Office and adjoining house is a key part of the Victorian development of Four Crosses

Communal Value

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

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

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 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."

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

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

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

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy ENV14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

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

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

The document provides advice on how to assess the setting

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

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

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

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

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

It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application nor has been referred to in the accompanying Design and Access Statement. I note the request from Cadw in respect of the setting of Offas

Dyke and would also refer to the fact that the impact on the 4 adjoining listed buildings have not been addressed in the application. The proposal therefore does not comply with section 2.2 of the guidance Setting of Historic Assets in Wales which requires applications for planning permission to provide the local planning authority with sufficient but proportionate information to allow the assessment of the likely impact of the proposal on the setting of historic assets.

I note that the pre-application consultation report submitted with the application includes the responses from Cadw and CPAT advising them of the requirement for the impact of the proposal on heritage assets should accompany the application and the response to those comments is that an appropriate expert will be preparing an assessment using the methodology outlined in the Cadw document Setting of Historic Assets in Wales. I note with regret that this assessment has not been included in the application despite the advice given at pre-application stage.

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

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

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

•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
- What were its physical, functional and visual relationships with other structures/historic assets and natural features?
- What topographic features influenced its location?
- What was its relationship to the surrounding landscape?
- Was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:
- Has its function changed?
- What changes have happened to the surrounding landscape?
- Have changes happened because of changes to the historic asset?
- Has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
- Have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:

- Were these relationships designed or accidental?
 - How did these relationships change over time?
 - How do these relationships appear in the current landscape; are they visual or buried features?
- Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

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

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

The proposed housing would be sited between The Old Milk Creamery and Greenfield House and The Post Office and The house adjoining The Post Office.

House attached to Post Office including forecourt walls and railings is currently separated from the site by City Lane which runs adjacent to the listed building. The boundary of the listed building are the railings referred to in the list description as intersecting cast-iron railings formed of round arches between main uprights with ball finials, set on low brick forecourt walls with dressed stone coping, which sets the house apart from the pavement to the front of City House and alongside City Lane. These railings indicate the domestic part of the property from the commercial Post Office.

The application site is agricultural land that appears from old maps to not have been built upon but land adjacent to Four Crosses Railway Station that was sited to the East of The Old Milk Creamery and between The Creamery and The Post Office.

The proposal as submitted would result in the construction of a mini roundabout and the closure of part of City Lane and the re-alignment of City Lane creating an area of public open space adjacent to City House.

The loss of the section of City Lane adjacent to The house adjacent to the Post Office would affect the character of this pair of listed properties from being a house on a junction between 2 roads and appropriate boundary treatment with small railings appropriate for a property of this character, to a house within a housing estate and adjacent to an area of public open space.

The Powys Unitary Development Plan reflects National Guidance with policy ENV 14 being applicable to all applications that are subject to proposals affecting listed buildings, Proposals for development unacceptably adversely affecting a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting account will be taken of the following;

1. The desirability of preserving the listed building and its setting;
2. The importance of the building, its intrinsic and historic interest and rarity;

3. The effect of the proposals on any particular features of the building which justified its listing;
4. The buildings contribution to the local scene and its role as part of an architectural composition;
5. The condition of the building and the benefit that the proposals would have to its state of repair;
6. The merits of the proposals in securing an appropriate alternative use of the building; and
7. The need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design, using materials in keeping with the existing building,

The recent Cadw guidance on the setting of historic assets 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”

Given the age of the listed buildings and the commercial aspect of the property as originally constructed the commercial element of the property is back edge of pavement with the domestic element being sited a little distance from the pavement by a small wall with decorative railings. The proposal would include the introduction of a mini roundabout directly adjacent to the pair of listed buildings.

I would not consider that the affect of the proposal on the setting of the listed buildings has adequately been addressed. The introduction of a mini roundabout will have an impact on the setting of the listed buildings, and the loss of the adjacent City Lane and the creation of the public space directly adjacent to the listed building will again affect the setting of this listed building by removing the road to which it adjoins and effectively placing the listed buildings within a housing estate.

In addition no information on the proposed boundary treatment or landscaping between the proposed open space and the listed buildings has been provided. There is reference on the plan to dwarf wall, but it is not clear is this is the existing listed building or another wall.

In addition to the public open space adjacent to The House adjacent to the Post Office, the listed building current retains its original location and relationship with The Railway Station and the listed Old Milk Creamery and Greenfields.

It is not considered that the proposal could be considered favourably on the basis of the information submitted as the proposal would have a significant impact on The house adjacent to the Post Office and The Post Office and inadequate information to illustrate the proposed works has been provided.

Section 6.1.4 of Planning Policy Wales 9th edition “Decisions on planning applications and listed building and conservation area consents must be based on adequate information

provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values.”

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

Section 2.2 of Managing Setting of Historic Assets in Wales which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting.

It is noted that the site was submitted for consideration as a candidate site and the site has not been allocated in the emerging LDP. All the constraints including built heritage and Offas Dyke were highlighted. I also note the pre-application advice received from Cadw and CPAT and despite being advised of this requirement to provide adequate and proportionate information in respect of the setting of historic assets no such assessment has been provided with the application.

The proposal by virtue of removing the area of City Lane adjacent to City House and the formation of an area of open space adjacent thereby effectively removing this listed building from its context and incorporating it into a housing development would have a significant impact on the setting of the listed building. In addition to the visual impact of the proposal the impact of removing a hard surface and the introduction of soil next to the listed building has not been addressed. There are gateways into the rear of City House and their relationship with the open space has not been addressed, presumably there is a right of access via that gateway onto a public road, that relationship will be lost and has not been addressed.

I am therefore unable to support the application in its current form and based on the submitted information would have to object to the proposal on the basis that the application fails to meet national policy (Section 6.1.4 of Planning Policy Wales 9th edition), national guidance (Section 1.26 of TAN 24 and Section 2.2 of Managing Setting of Historic Assets in Wales) and Local Plan Policy ENV14 in that inadequate information has been provided in respect of the setting of historic assets to enable the current application to be considered favourably.

Should the application be considered favourably in all other respects I would request further information in respect of the impact of the proposal on the listed buildings to be submitted for consideration prior to determination.

2nd Response

Thank you for consulting me on the amended plans dated 15th February 2018 on the planning portal.

I have previously objected to the application on 23 November 2017, and the current plans have been submitted in part to address previous concerns raised by consultees. The recent amended plans seek to address those concerns, and as an assessment of the historic significance of the sites has been made in my previous three comments rather than repeat

them here I would be grateful if they could be considered as an appendix to these comments.

I previously raised objections to the impact of the proposal on the setting of City House and Shop (Cadw ID 8527 The Post Office and Cadw ID 8528 House attached to Post Office including forecourt walls and railings included on the statutory list on 05 April 1993) .

The revised proposal in addition to a reduction in numbers has omitted the roundabout outside City House and Shop and the area of public open space adjacent to City House and the closure of City Lane has been revised in drawing RPP/TW-JOB12 - 03 in that City Lane will remain adjacent to City House albeit reduced to pedestrian access thereby retaining the existing arrangement of the house and post office on the junction of 2 roads which would enable its railings and walls to remain in situ and retaining the current position of City House and shop and not incorporating this pair of listed buildings into a new housing development.

The amended plans have addressed by concerns and as such, I would therefore **withdraw my objection** to the proposal on the grounds of the setting of City House and City Shop (Cadw ID 8527 and Cadw ID 8528) .

I would therefore have **no objection to the proposal on built heritage grounds** however would request that care is taken at reserved matters stage in terms of design and materials.

Powys Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 2.09 hectares and includes up to 35 dwellings. Therefore, the development 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.
Ecological Information included with application?	No	No ecological information has been submitted with the application. These observations are therefore based on an interpretation of available aerial imagery, the submitted plans, Design and Access Statement and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service. The proposals appear to involve construction of a new

		<p>housing estate within an existing single field which is currently used as grazing pasture. The field is on the outskirts of Four Crosses village and is currently surrounded in all directions by residential and commercial properties. All field boundaries are made up of a thick hedgerow, which is only partly broken along the northern and western boundary. It appears that the new proposal would involve removal of hedgerow from the northern part of the eastern boundary and the eastern part of the northern boundary to accommodate the proposed site access.</p>
<p>Protected Species & Habitats¹</p>	<p>European Species <input checked="" type="checkbox"/></p>	<p>Within 1km of the site there are historical records of Otter and various bat species.</p> <p>It doesn't appear that any mature trees which offer bat roosting potential would be lost to the proposal; a mature tree in the south west corner of the field is shown as retained on the plans provided. The hedgerow that surrounds the site could provide suitable foraging and commuting habitat for bat species. I recommend that the extent of vegetation removal is kept to a minimum and where it needs to be removed this should be mitigated through translocation where possible to allow more immediate habitat establishment, or suitable replacement planting shown in a proposed landscape design drawing. Also a tree/hedge protection plan in accordance with BS5837: 2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use surrounding vegetation.</p> <p>Local otter records are concentrated along Montgomery Canal to the west and it is not considered that the proposed site represents suitable habitat for otters.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>In addition to the species listed above, within 1km of the site there are numerous historic records of badger and various breeding bird species, but no records from the site itself.</p>

¹ Species records within 1km (minimum).

		<p>Nesting birds may use the hedgerow surrounding the proposed site. I therefore recommend that any vegetation clearance works required to accommodate the proposed development are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished.</p> <p>The hedgerow that surrounds the site could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access and associated sightlines. Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>The nearest badger record consists of field signs approximately 200m to the north west. No direct impacts upon the local badger population are expected as a result of the proposals due to the fact that the existing field is so open and well managed at present, and is surrounded by commercial and residential developments.</p>
	<p>Section 7 Species & Habitats</p> <p style="text-align: center;">☒</p>	<p>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.</p> <p>Hedgerows are a Section 7 Priority Habitat and hedgerow borders most of the proposed site. Based on the submitted plans, it appears that sections of this hedge would be removed to facilitate the proposed access. I recommend that the extent of vegetation</p>

		<p>removal is kept to a minimum and where it needs to be removed this should be mitigated through translocation or suitable replacement planting shown in a proposed landscape design drawing. Also a tree/hedge protection plan in accordance with BS5837: 2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development.</p> <p>There are previous records of hedgehogs and hare from within 1km of the application site and there would appear to be suitable habitat for hedgehog along the field boundaries. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider hedgehogs.</p> <p>As a biodiversity enhancement of the site installation of bat and bird boxes as part of the proposals would be welcomed.</p>
	LBAP Species & Habitats <input checked="" type="checkbox"/>	Please refer to the observations above.
Protected Sites	International Sites ² <input type="checkbox"/>	Montgomery Canal SAC is located approximately 700m to the west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SAC are expected.
	National Sites ³ <input type="checkbox"/>	Montgomery Canal SSSI is located approximately 700m to the west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SSSI are expected.
	Local Sites (within 500m) <input type="checkbox"/>	None are located within the search area.
Invasive Non-Native Species	No	No ecological information has been submitted with the

² International designated site within 1km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any national designated sites within 500m of the proposal, extending to 1km dependant on features of interest *i.e.* wetlands (Powys LDP)

	application.
<p>Recommendations</p>	<p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife that may use the hedgerow along the southern and western site boundaries.</p> <p>I recommend that vegetation removal for the proposed development is kept to a minimum and where required vegetation clearance works should be timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and small mammals during any clearance work at the north-east corner of the site. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>I recommend that if practicable any hedgerow is translocated to provide a more immediate habitat replacement, including that set back to facilitate access to the proposed site.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development. Also enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.</p>

<p>Further information required prior to determination of application</p>	
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, and subject to receipt of the information above, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a reptile and small mammal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP</p>

Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources

	<p>Wales and the Council's Ecologist.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended)</p> <p>All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage</p> <p>ENV 2: Safeguard the Landscape</p> <p>ENV 3: Safeguard Biodiversity and Natural Habitats</p> <p>ENV 6: Sites of Regional and Local Importance</p> <p>ENV 7: Protected Species</p>

CADW

1st Response

Thank you for your letter 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

We were consulted on this proposed development in a statutory pre-application consultation. In our response we noted that no consideration of the impact of the proposed development on the setting of scheduled monument MG033 had been produced and that this would be a material consideration in the determination of any planning application (see Planning Policy Wales 6.5.5).

In the Pre-Application Consultation Report submitted our response is acknowledged and it is stated “We will be using an appropriate expert of prepare an assessment using the methodology outlined in the Welsh Government’s Setting of Heritage Assets”: However, this assessment has not been submitted in support of this application. Consequently, we are not in a position to provide you with the advice on the impact of the proposed development on the setting of the scheduled monument Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio (MG033).

We therefore strongly recommend that you request that the applicant submits an assessment of the impact of the development on the setting of the scheduled monument in accordance with the guidance contained in the Welsh Government “Setting of Historic Assets in Wales”. We should then be re-consulted on this application.

2nd Response

Thank you for your letter of 20 April 2017 inviting our comments on additional information for the above development. We also note that the description of the proposed development has been amended reducing the number of dwellings from 35 to 20.

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.

Assessment

An archaeological assessment prepared by Clwyd-Powys Archaeological Trust (CPAT) a Chartered Institute for Archaeologists Registered Organisation has been submitted in support of this application.

This report has assessed the impact of the proposed development on the setting of scheduled monument Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio (MG033) and concluded that impact is considered to be moderate and the significance of effect, moderate/large. This would constitute significant damage to the setting of the scheduled monument and this would be grounds for us to formally object to this application (see Planning Policy "Wales Section 6.5.5): However the assessment has been produced based on a development of 35 dwellings as shown in the submitted Masterplan dated July 2017, but it appears that the application has now been amended to a development of 20 dwellings. The reduction in the number of dwellings may reduce the damage the development will cause to the setting of the scheduled monument to an acceptable level.

Consequently, if the number of dwellings proposed in this application has been reduced we recommend that the applicant should be requested to provide a new masterplan showing an indicative layout for the proposed development and a revised assessment of the impact this proposal will have on the setting of scheduled monument MG033.

3rd Response

Thank you for your letter of 15 February 2018 inviting our comments on the revised archaeological assessment considering the impact of a development of 20 dwellings on the historic environment prepared by Clwyd-Powys Archaeological Trust (CPAT) a Chartered Institute for Archaeologists Registered Organisation.

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 reduction in the number of proposed dwellings and a re-design of the development has allowed the area closest to scheduled monument MG033 to be designated as open space with a number of trees being planted. The nearest proposed dwelling will now be some 55m east of the boundary of the scheduled monument. This rearrangement has meant that Clwyd Powys Archaeological Trust now consider that the proposed development will have a moderate/slight impact on the significance of the monument. We concur with the results of

this assessment. Consequently we consider that the proposed development of 20 dwellings will cause slight, but not significant, damage to the setting of scheduled monument MG033.

CPAT

1st Response

Thank you for the consultation on this application.

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological potential. The proposed development plot currently has no recorded sites actually within it based on a search of the Historic Environment Record. It is in an area of high archaeological potential though and it is bounded on two sides by designated heritage sites.

The plot is located within the broad area of archaeological sensitivity relating to the late Neolithic and Bronze Age funerary and ritual activity at Four Crosses as represented by numerous burial mounds to the north and north east which are part of a linear cemetery and ceremonial landscape. There are a lot of associated archaeological features around the cemetery and the buried landscape at Four Crosses is generally multi-layered with later field systems, pit alignments, post Roman burials, Roman farming activity and post medieval farming. We would therefore expect the sub-surface potential of this plot to be high and pre-determination evaluation in the form of geophysics followed by exploratory trial trenching would be required.

The Offa's Dyke scheduled monument (SM MG033) is located just beyond the south west boundary of the site. There may be some direct impact to a buried portion of the former bank alignment at the south west corner and if any ground disturbance is proposed here evaluation of the area is recommended. We note that the south west corner is generally included within a green space and this is welcomed as it will help to screen the monument from the proposed housing. In general more screening and green space at the south west corner, and along the south boundary next to the footpath, would be beneficial. Cadw should be consulted on the potential visual and setting impact of the housing development on the scheduled monument. The contact would be the Ancient Monuments Planning Admin section via amadminplanning@wales.gsi.gov.uk

There are two Grade II listed buildings on the eastern boundary (Post Office and a House attached to the Post Office) of the development area. There may be visual and setting impacts to these listed buildings although the primary setting of both is the street frontage to the north. The visual and setting impact to the scheduled monument and Grade II listed buildings will need to be assessed following the Welsh Government guidance on the "Setting of Historic Assets in Wales" (May 2017).

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 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.

We understand that the agent for the applicant is currently seeking tenders to appoint an archaeological contractor and the evaluation fieldwork will follow. When we have received a copy of the evaluation report we will provide advice on any further mitigation that may be necessary.

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

2nd Response

Thank you for the consultation on this application.

I can confirm that there are no archaeological implications for the amended development at this location.

3rd Response

Thank you for the notice of the additional information.

We note the revised layout with enhanced green space on the south, west and north-east sides which adopts the 15-20 metre buffer zone recommendation in the archaeological assessment report. The buffer further minimizes the visual impact on the listed City House and the scheduled Offa's Dyke monument. In addition a greater buffer is provided around the public footpath.

The revised layout is welcomed and we have no objection to the development if this layout is taken forward.

Contaminated Land Officer

It is noted that the proposed development is situated adjoining land that was formerly a creamery and sewage works (as shown on historic Ordnance Survey Maps) which are potential contaminative use. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following condition and note to applicant be applied to any future consent that may be granted.

The following condition should be applied to this development.

Potential Contamination

In the event that contamination is encountered at any time when undertaking the approved immediate contact must be made with the Local Planning Authority.

The development must not proceed until an investigation and risk assessment has been undertaken by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is the subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

Reason: 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 off-site receptors (in accordance with policy ___ of the adopted Local Plan).

Note to Applicant

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 Senior Contaminated Land Officer on 01597 827645.

Powys Ramblers

Thank you for the opportunity to comment on this application.

There seem to be no adverse effects on nearby rights of way. Nevertheless can the applicant please be informed of the importance of making sure that the nearby rights of way are not obstructed during any development works and are kept open throughout.

Representations

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

- proximity of proposed new residential development to existing commercial enterprises and potential for future conflict of land uses
 - no restriction on 24/7 manufacturing in commercial businesses neighbouring the site
- insufficient information submitted to facilitate a balanced determination
 - no LVIA, Phase I Habitat Survey or Site Investigation has been submitted
- conflict with local and national policy

- impact on the Offa's Dyke Scheduled Monument
- impact on visual amenity of the area
- limited infrastructure in Four Crosses

Planning History

No relevant planning history

Principal Planning Constraints

Scheduled Ancient Monument – Offa's Dyke
Public Right of Way

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 2 - Planning and Affordable Housing (2006)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 15 - Development in Flood Risk Areas (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20 – Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

Local Planning Policy

Powys Local Development Plan (April 2018)

SP1 Housing Growth
SP3 Affordable Housing Target
SP5 Settlement Hierarchy
SP6 Distribution of Growth across the Settlement Hierarchy
SP7 Safeguarding of Strategic Resources and Assets
DM1 Planning Obligations
DM2 The Natural Environment
DM3 Public Open space
DM4 Landscape
DM5 Development and Flood Risk
DM6 Flood Prevention Measures and Land Drainage
DM7 Dark Skies and External Lighting
DM8 Minerals Safeguarding
DM10 Contaminated and Unstable Land
DM13 Design and Resources
T1 Travel, Traffic and Transport Infrastructure
H1 Housing Development Proposals
H2 Housing Sites
H3 Housing Delivery
H4 Housing Density

H5 Affordable Housing Contributions
H6 Affordable Housing Exception Sites

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 proposed development lies wholly outside the settlement boundary of Four Crosses, as detailed on inset map P18 of the Powys Local Development Plan (LDP), and would result in a residential development of 20 dwellings being constructed outside the settlement boundary. Four Crosses is defined within the LDP as a large village.

Policy H1 states that to ensure that housing developments are appropriately located and suitable in scale and type, housing development will only be permitted in large villages where the following criteria is met;

- i. on sites allocated for housing or on other suitable sites within the development boundary; or
- ii. on sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.

Policy H2 details the allocated sites for housing within the LDP. The applications site does not form part of an allocated site and nor does it lie within the development boundary of Four Crosses. As such the proposed development of 16 open market dwellings and 4 affordable dwellings is contrary to policy H1.

The proposed development is therefore not in accordance with the LDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that at the time of its submission Powys County Council did 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.*'

TAN 1 is clear that housing land availability and the need to demonstrate a 5 year housing land supply is a key part of the LDP examination process and that local planning authorities are required to demonstrate that there is a 5 year housing land supply at the time the plan is adopted. A recent decision made by the Planning Inspectorate dismissing an appeal in Four Crosses (dated 10th May 2018) stated the following;

"...whilst TAN 1 states that the latest approved JHLAS can be used as an important piece of evidence in this regard, it nonetheless does not discount other sources of evidence. The Examining Inspector for the LDP would have been informed by a body of evidence in terms of the 5 year housing land supply; that evidence must have been robust in terms of demonstrating a 5 year housing land supply, and deemed to carry significant weight irrespective of the absence of an upto date JHLAS, otherwise the plan would not have been found to be sound."

In considering the above appeal the Inspector stated that the development of 36 dwellings would not be a sustainable form of development in terms of the settlement strategy of the newly adopted LDP and the need to avoid unjustified development in the open countryside. The proposal would therefore be contrary to the provisions of the development plan and advice contained within PPW.

In light of the above, it is considered that the proposed development is contrary to policies SP5, SP6 and H1 as the proposal represents unjustified development in the open countryside.

Historic environment

Listed Buildings:

The general duty with regards to listed buildings in exercising planning functions is set out within Technical Advice Note 24: The Historic Environment. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in LDP Policy SP7.

The application site does lie in close proximity to three Grade II listed buildings, as outline in the Built Heritage report. The Powys Built Heritage Officer was consulted on the application

and raised concerns over the impact of the proposed development on the setting of the listed building on City Lane. Following this amended plans detailing a reduced scale of development and amended layout were submitted along with a Heritage Impact Assessment. Following receipt of this information Built Heritage were reconsulted and offered no objection to the proposed development based on the amended information.

As such the proposed development is considered to be in accordance with TAN24 and LDP Policy SP7.

Ancient monuments:

The desirability of preserving a scheduled ancient monument and its setting is a material consideration in determining a planning application whether the monument is scheduled or not. This is set out in Planning Policy Wales and Technical Advice Note 24: The Historic Environment. LDP policy SP7 also sets out this consideration at a local level.

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

Cadw were also consulted on the application as the Offa's Dyke Scheduled Monument lies along the west of the site. Cadw originally comments that insufficient information had been received to assess the development and its impact on the Scheduled Monument.

In their final comments Cadw state;

The reduction in the number of proposed dwellings and a re-design of the development has allowed the area closest to scheduled monument MG033 to be designated as open space with a number of trees being planted. The nearest proposed dwelling will now be some 55m east of the boundary of the scheduled monument. This rearrangement has meant that Clwyd Powys Archaeological Trust now consider that the proposed development will have a moderate/slight impact on the significance of the monument. We concur with the results of this assessment. Consequently we consider that the proposed development of 20 dwellings will cause slight, but not significant, damage to the setting of scheduled monument MG033.

As part of the submission, in order to mitigate concerns raised by Environmental Health regarding noise, a 5 metre high acoustic barrier being constructed on the western edge of the development would be required. Whilst the noise assessment states that this will be in the form of a bund with a timber fence and planting it is considered that insufficient information has been submitted to assess the potential impact of the 5m high acoustic barrier on the the Offa's Dyke Scheduled Monument.

As such the application is considered to be contrary with Planning Policy Wales, TAN24 and LDP policy SP7.

Design and layout

Guidance contained within LDP policy indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved for future consideration, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site. Concerns were originally raised regarding the scale of the development and its potential to impact on designated heritage assets. Following this the layout was amended to show a reduced number of dwellings from 32 to 20.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing development to the west. More importantly it shows that a residential development of 20 dwellings could be accommodated on the site. Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement.

Residential amenity

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. More specific guidance is set out in the Powys Residential Design Guide.

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

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

Comment received from Environmental Health raise concerns regarding the impact of the existing commercial operations on the future occupiers of the proposed development. Further information was requested.

Following receipt of additional information Environmental Health were reconsulted and stated that, with regards to outdoor and indoor noise, they were satisfied that there should be no loss of amenity due to noise during the day/evening periods and that the proposed mitigation will achieve the desirable indoor noise level.

However in their response Environmental Highlight that their comments are based on a 5 metre high acoustic barrier being constructed on the western edge of the development. It is considered that this could have the potential to negatively impact on the residential and landscape amenity of the area and potentially the Offa's Dyke Scheduled Monument. Whilst the agent has stated that the barrier could be in the form of a bund with timber fence and planting they have stated that final detail could be gained through condition. Officers consider that impact on the Scheduled Monument would need to be considered as part of the application to ensure that there are no negative impacts on the Scheduled Monument.

As such it is considered that insufficient information regarding the acoustic barrier has been submitted to assess whether the proposed mitigation would have an impact on landscape and visual amenity and impact on built heritage.

Minerals Safeguarding

Policy DM8 states that non-mineral development within Minerals Safeguarding Areas will only be permitted where the following can be demonstrated by the developer;

1. The mineral resource is not of potential future value; or
2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or
3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or
4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or
5. There is an over-riding need in the public interest for the development; or
6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property.

The Minerals Safeguarding Areas are identified on the proposal maps for the LDP and detail that the site lies wholly within the Sand and Gravel Category 1 Resource Safeguarding Area.

No information has been submitted with the application to address this matter as such it is considered that due to insufficient information the proposal is contrary to policy SP7 and DM8 of the LDP.

Landscape and visual impacts

UDP Policy ENV2 states that proposals should *'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'*. It goes on to state that proposals which are acceptable in principle should *'contain appropriate measures to ensure satisfactory Integration into the landscape'*.

The site lies between the existing boundary and built form of Four Crosses and agricultural land.

In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the River Severn Floodplain (MNTGMVS650) which has a moderate evaluation but sits adjacent to Four Crosses VSA (MNTGMVS635) which has a low classification. The area is characterised by a

'dispersed collection of linear settlements surrounding the junctions of the A483(T) and the B4393 comprising Llandrinio, Rhos Common and Four Crosses. No defined village centre, rather an amalgamation of smaller settlements into one'. LANDMAP sets out the key elements that should be changed are to *'encourage development as a more nucleated settlement rather than sprawling linear settlement'*. The proposed development is considered to meet such objectives and occupies a site between the existing settlement and the A483 Trunk Road effectively infilling an area of land.

In terms of landscaping, the submission indicates that the proposal would provide an opportunity to provide areas of open space with new shrub borders. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and public rights of way and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location adjacent to an existing residential buildings and commercial buildings and the reduced scale of the proposal, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, the proposed scale of the development is considered to reflect the character of the development that has occurred within Four Crosses, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Impact on highway network and parking arrangements

LDP policy T1 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is a matter to be considered under this outline application.

Access to the development will be through a new access off the B4396 highway. Initial concerns were raised by the Highways Authority due to the lack of information submitted in support of the application.

Following a meeting between the Highways Authority and the agent and the submission of further information and amended layout no further objections were received subject to the imposition of a number of conditions.

It is considered that subject to conditions the proposal in respect of highway safety is acceptable and accords with the provisions of LDP policy T1.

Sewage disposal

The application details that the site will be served by mains systems in respect of the disposal of foul waters. The proposed use of mains sewerage disposal is compliant with UDP policy DC10.

Severn Trent Water have confirmed that they do not object to the proposed development subject to conditions relating to the agreement of surface and foul water drainage plans and have not raised concerns about the capacity of the system.

It is therefore considered that proposal in this regard is acceptable.

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 LDP Policy DM2 seeks to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

Following consultation with the Powys Ecologist it was confirmed that whilst the site lies approximately 700 metres to the east of the Montgomery Canal SSSI and SAC, due to the distance and lack of pathways between the two sites it is not considered that there is a likely significant effect on the SAC and SSSI.

No objection has been received to the application subject to the imposition of conditions regarding hedgerow and landscaping planting and external lighting.

In light of the above, the proposed development is considered to be acceptable.

Education and Recreation

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

The consultation on this application did not receive any response from these departments; previous application in Four Crosses had a response from Education stating that the school had not reached its capacity. Further information has been requested and will be provided in an update report.

With regards to open space, it is noted that Powys County Council does not have a play area with fixed equipment near to the proposed development. However the indicative layout does demonstrate a provision of public open space.

RECOMMENDATION

In light of the above due to the site lying outside the development boundary, being within a Mineral Safeguarding Area and the lack of information regarding the acoustic barrier and its impact on the Scheduled Monument the application is recommended for refusal subject to the reasons below;

1. The proposed development is considered to be unjustified development in the open countryside contrary to policies SP6 and H1 of the Powys Local Development Plan.
2. Insufficient information has been provided to demonstrate that the development of a minerals safeguarding area is justified. The proposed development is therefore considered to be contrary to Policy DM8 and SP7 of the Powys Local Development Plan (2018), policy GP4 of the Unitary Development Plan (March 2010), Technical Advice Note 18 and Planning Policy Wales (9th Edition, 2016)
3. Insufficient information has been provided to assess the impact of the proposed acoustic barrier on the Offa's Dyke Scheduled Monument. The proposed development is therefore contrary to Planning Policy Wales, TAN24 and LDP policy SP7.

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