

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

**Application Number:** 19/2042/FUL                      **Grid Ref:** E: 309983  
N: 290509  
**Community Council:** Newtown And Llanllwchaiarn Community                      **Valid Date:** 20.12.2019

**Applicant:** Affordable Housing Team

**Location:** Former Red Dragon Public House & Newtown Youth Centre , Plantation Lane, Newtown, Powys, SY16 1LQ

**Proposal:** Development of 18 affordable dwellings and associated works

**Application Type:** Full Application

### The reason for Committee determination

The application is submitted on behalf of Powys County Council and therefore in accordance with the Council's constitution is required to be determined by the Planning, Taxi Licensing and Rights of Way Committee.

### Consultee Responses

#### Consultee

#### Received

Natural Resources Wales (North) DPAS

1st Apr 2020

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach condition 1 to the permission and include the following document within the condition identifying approved plans and documents on the decision notice:

- o 2B4P House (Plot 18) Plans, Elevation & Schedules, drawing 0326 S4 Revision P2 dated July 2019.
- o 4B7P House (Plot 17) Floor Plan, Elevations and Schedules, drawing 0851 S4 Revision P2 dated September 2019.
- o Site Plan, drawing 0004 S4 Revision P5 dated September 2019.

Condition 1 - bats: Prior to its installation, full details of lighting shall be submitted to and

agreed in writing by the Local Planning Authority.

### Protected Species

We have reviewed the amended plans listed above and we are satisfied that the mitigation proposed is in line with the measures agreed under the terms of the bat license.

Provided an appropriate exterior lighting scheme in line with our previous advice, is secured via appropriately worded condition and implemented, we do not consider the proposal is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental

*Comments received 24<sup>th</sup> March 2020*

Thank you for consulting us on the amended access road and path plans for the above.

NRW has no additional comments to make on the revised plans, please refer to our letter of 27/01/20 which is still applicable

Building Control

7th Jan 2020

Please be aware that the development will require Building Regulations approval. For more information please feel free contact me to discuss.

Hafren Dyfrdwy

10th Jan 2020

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:

- o 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
- o 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

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website [www.hdcymru.co.uk](http://www.hdcymru.co.uk) under the 'New Site Developments' section.

To help us provide an efficient response please could you send all responses to [APPlanning@hdcymru.co.uk](mailto:APPlanning@hdcymru.co.uk) rather than to named individuals, including the HD ref within the email/subject.

If you would like a copy of this in Welsh, please let us know.

Highway Authority

7th Feb 2020

Thank you for consulting the Highway Authority on this matter.

#### Site Access

The internal site layout includes proposals for a central pedestrianised green space which effectively prohibits the free passage of motor vehicles across the site as a whole. As a result, the proposal includes the provision of two separate access points off. Both proposed access points afford suitable levels of visibility. It is proposed that the access off Swallow Drive is to be kept private, whilst it is envisaged the access off the U4205 will be adopted by the Highway Authority.

#### Active Travel

Internally there are proposed 2m wide footway links onto the U4205 highway to the south. Suitable internal pedestrian crossing facilities will be secured as part of any future engineering submission. Similarly, the existing footway provision along the U4205 and

Swallow Drive will be maintained with suitable pedestrian crossing facilities again secured as part of any future engineering submission.

#### Internal layout

The application is accompanied by a layout plan for 18no. units comprising the following mix:

- o 11No. 2 Bed Houses
- o 1No. 3 Bed Bungalow
- o 3No. 3 Bed Houses
- o 2No. 4 Bed Houses
- o 1No. 5 Bed Houses

The submitted information demonstrates that the proposed development incorporates suitable highway alignment and turning provision.

It is understood from the applicant's agent, that the applicant intends to retain liability for the internal roads and associated infrastructure due to the layout.

With the exception of the area marked 'Adoptable Highway' on drawing number PCC\_PL\_04, the estate road[s] and associated infrastructure serving this development will not be adopted by the Highway Authority.

In addition, private road signage should be erected at the entry to this estate in accordance with Section 31 of the Highways Act 1980. A. Furthermore, we would advise that all marketing for this development should include details that the road is private.

#### Car Parking Arrangements

The submitted information shows parking which is consistent with the requirements under the CSS Wales parking standards.

#### Highway Surface Water Drainage

The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

#### Recommendation

It is recommended the following highway conditions be included within the decision notice should this application be approved.

- o The development shall be carried out in accordance with the following approved highway plans and documents PCC\_PL\_04
- o No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 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.
- o No other development shall commence until each access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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.
- o Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres 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.
- o The gradient of each access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- o Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing PCC\_PL\_04. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- o No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
- o No dwelling hereby approved shall be occupied until the vehicular access serving

the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.

o 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.

o 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.

o Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.

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

Environmental Protection

7th Jan 2020

Thank you for the consultation in respect of this application. Given that this will be a significant sized building site in a residential area, I would recommend the following condition be attached to any consent granted to protect the amenity of neighbouring residential properties:-

"All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800-1800 hrs Monday to Friday

0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

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

Land Drainage

21st Jan 2020

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/2042/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

Natural Resources Wales (North) DPAS

27th Jan 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 07/01/2020.

NRW was consulted at pre application stage and our comments can be viewed within Appendix 10 of the Pre Application Consultation (PAC) report dated 13/12/2019.

Our advice and position on the proposed scheme has not changed as the information provided does not address our concerns.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object

to this planning application.

Requirement 1: Bats: The submission of amended plans including bat compensation measures within one of the proposed new buildings in line with bat license 78856:OTH:EPS:2018 condition 32 and section E.2.3 of the accompanying Method Statement (MS) dated April 2018 by Just Mammals Consultancy.

Condition 1 - bats: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority.

### Protected Species

NRW originally commented on the demolition proposal of the Red Dragon Public House (DEM/2018/0001) on 22/01/2018. A bat survey was submitted at the time and the pub was found to be a roost for two species of bats (soprano pipistrelle and brown long-eared).

Therefore, a license to destroy a resting place of a European Protected Species (EPS) was required and subsequently granted on 29th May 2018. It is understood the pub was demolished in accordance with the license conditions.

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

Although proposed plans including bat mitigation have been submitted, Bat loft details drawing for plot 12 (house 2B4P) dated November 2019, we do not consider the mitigation proposed is in line with the measures agreed under the terms of the license application and therefore we are currently unable to confirm the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We advise that additional information/ modifications are needed:

- o The size of the proposed attic to be clearly stated on the plans. This must be in line with the Method Statement (MS) produced by Just Mammals Consultancy in April 2018. Creation of a large void/space of minimum dimensions of 5m length, 4m width and 2m in height from the floor, or top of any layer of insulation, to the internal roof apex.
- o Amended roof construction details. The plans illustrate a trussed roof structure. This is contrary to the requirements of Brown Long Eared bats. As stated in the MS a trussed rafter arrangement is not acceptable as the loft must provide a large and uncluttered

internal space. The loft space must be within a traditional timber framed pitched roof with a ridge board.

- o Clarification of the lining membrane to be utilised within the attic of house 2B4P. The lining membrane must be traditional sanded 1F lining membrane.

- o Bat access location points to be modified in line with the MS recommendations. A minimum of three appropriately positioned bat access slots of dimensions 20 x 28mm must be provided beneath ridge tiles and also at gable end walls to give bats access into the new bat loft space. Long-term mitigation for crevice roosting pipistrelles must be provided by creating access slots to the roof and wall plate areas at south-east, south and southwest facing gable end walls. Pipistrelles favour the gap created by the battens between the lining membrane and the roof slates and such opportunities must be designed with access slots at the fascia boards and soffits at the apex of gable end walls. Gaps under ridge tiles are also easy roost locations to provide for pipistrelle bats and the re-development site must contain plans for a minimum of four pipistrelle bat roost locations.

[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) Page 3 of 3

- o Removal of solar panels from the southern aspect of the roof of house 2B4P. The roof cover will be slate, in line with the MS recommendation, however drawing 0601 S4 P5 (2B4P House - plot 12) shows the presence of photovoltaic solar panels on the southern roof pitch. Solar panels prevent the slates from absorbing heat from the sun which is required to create the appropriate temperatures required by bats, therefore their installation is not appropriate on a roof which is designed to host a bat roost.

Bat movements can be affected by the levels of artificial lighting to which they are exposed.

It is NRW opinion that security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by roosting, foraging and commuting bats (all tree lines, hedgerows, buildings surrounding the site).

We advise an appropriate lighting scheme is secured via the implementation of an appropriately worded condition as indicated above.

The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used

- o Details of lighting to be used both during construction and/or operation

o Drawings setting out light spillage in key sensitive areas (river corridor and hedge line running north at the eastern side of the gym)

We would refer the applicant to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018 (<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>).

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Clwyd Powys Archaeological Trust

14th Jan 2020

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

Contaminated Land Officer

10th Jan 2020

In respect of planning application 19/2042/FUL, it has been identified that the following land contamination report has been submitted:

o Arcadis 'Red Dragon Public House, Newtown: Geo-Environmental and Geotechnical Assessment Report' (ref: 10024728-ARC-01-XX-RP-ZZ-0001-03) June 2019.

Could you confirm if a review of this report would be required, please.

I have reviewed the Arcadis reports submitted with the application and they are sufficient to recommend the following conditions are applicable.

#### Condition 1. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

#### Condition 2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The

verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_ of the adopted Local Plan (date)].

## **Representations**

The proposed development has been advertised by site display (notice dated 17/01/2020) and within the local press. At the time of writing this report two public representations have been received by Development Management. The comments expressed therein can be summarised as follows;

General support for the proposal and mix of properties noted on the proposed plans. That said, concern is offered regarding the ability of the development to meet local need, particularly as the Common Housing Register suggests an unmet need for bungalows and single bedroom flats.

## **Planning History**

DEM/2018/0001 – Demolition of former Red Dragon Public House and Youth Centre. Notification Approved.

## **Principal Planning Constraints**

No known planning constraints

## **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy

TAN1	Joint Housing Land Availability Studies	National Policy
TAN2	Planning and Affordable Housing	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN16	Sport, Recreation and Open Space	National Policy
TAN18	Transport	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPGLAN	Landscape SPG	
SPGOBS	Planning Obligations SPG (2018)	

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The site subject to this application is located to the southwest of Newtown Town Centre within an established residential area. The vacant site comprises of the former Red Dragon Public House and Youth Club and extends to approximately 0.76 hectares. The site is bound by residential properties to the north and west. The public highway bounds the site to the east and south.

The scheme proposes the erection of 18 affordable dwellings and all associated works. Access to the proposed development will be provided off Plantation Lane to the south

whilst parking and turning provision associated with the proposed residential units will be provided within the application site boundary.

### Principle of Development

The application site extends to approximately 0.76 hectares and is located within the settlement development limits of Newtown which for the purposes of the adopted plan is defined as a Town. The scheme includes the provision of 18 affordable dwellings comprising of 11 two-bedroom four person houses, three x three-bedroom five-person houses, two x four-bedroom seven-person houses, one x five bedroom eight-person house and one three-bedroom four-person bungalow. The scheme comprises a mix of two and three-storey properties and one bungalow, primarily in semidetached form, in addition to one short terrace of three, and three detached homes. The proposed housing density equals 23 units per hectare.

Policy H1 identifies suitable locations for new housing within the settlement hierarchy to support the delivery of a sustainable pattern of development. The type and scale of development permitted within each tier is commensurate to a settlement's place in the sustainable settlement hierarchy. Criterion 1 of policy H1 directs housing growth in Towns and Large Villages to allocated sites and to other suitable windfall sites within the settlement's development boundary.

### *Housing Need and Mix*

Thereafter, policy H3 seeks to achieve an appropriate range and mix of housing types to meet local needs, as identified in evidence such as Local Housing Market Assessment, in particular the needs of the county's ageing population and decreasing household size, affordable housing and specialist housing needs. On the basis of the information provided and on the basis that the scheme is to be delivered by the County as Local Housing Authority, Officers consider that the range of affordable housing units provided are capable of accommodating varied housing need within the County and therefore fulfil the requirements of policy H3 of the Powys LDP.

Whilst the scheme proposes 100% affordable housing, given that the site is located within the settlement development boundary, it is not considered reasonable or appropriate to condition the scheme to this effect. Therefore, should Members be minded to approve the development, it is recommended that the percentage of affordable housing is conditioned to reflect the relevant sub-market area, which in this instance is Severn Valley – 20% contribution applicable. That said, as the scheme is to be delivered and operated by Powys County Council, Officers are confident that the scheme will provide 100% affordable units.

### *Housing Density*

In accordance with LDP policy H4, all housing development proposals should seek to make the most sustainable and efficient use of land. The density for any proposed

housing development within Towns and Large Villages should therefore be a minimum of 27 units per hectares. The policy however acknowledges that densities may be varied where justified by evidence of local circumstances or constraints.

The site provides for a density of 23 dwellings per hectare which is below the identified density as above. Aside from the layout limitations responding to the surrounding context, it is understood from the submission that an existing water main runs long the southern and eastern boundaries of the site constraining the developable area. A foul sewer also runs partially within the northern boundary of the site. Additionally, the southern and eastern boundaries are bound by Plantation Lane and Swallow Drive respectively, both of which are understood to generate traffic in association with the nearby Primary School which, as a consequence has limited highway layout and access options.

The submission contends that when removing the areas sterilised by utilities easements, the developable site area is 0.55ha. This equates to a density measurement of 32.7 units per hectare and therefore suggests that the proposed is in accordance with policy H4. Whilst under the 27+ units per hectare encouraged by H4, given the site specific constraints, Officers are satisfied that the proposed residential development makes the best and most sustainable use of the site whilst securing adequate provision for residential amenity space and parking/turning provision, thereby satisfying policy H4 as above.

### Design, Layout and Appearance

Policy DM13 of the Powys LDP confirms that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. As such, proposals will only be permitted where the scheme has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The site is located southwest of Newtown centre. The site is broadly square in shape and lies between a play area to the east, beyond which is Maldwyn leisure centre and accompanying fields; and Falcon Court to the west. To the south is Maesyrrhandir Primary School, and to the north is Swallow Drive.

The topography of the site is gently sloping, with the lowest point being to the north western corner, which lies approximately 2m below the highest points of the site along its southern boundary. The northwestern corner, in turn, lies just under 1m above the adjacent footpath. The site's northern and western boundaries face onto existing dwellings on Swallow Drive and Falcon Court respectively. Due to the Radburn style layouts of these local estates, the front gardens of these properties are facing the site, separated by a footpath, whilst their parking is located to the rear within courtyard arrangements.

The residential context is formed by aforementioned Radburn style estates, which

primarily comprise two-storey terraced dwellings of mid-20th century construction. As per many Radburn style layouts the rears of the properties face onto main roads, with fronts addressing pedestrian routes and/or communal facilities. The housing estates therefore front onto the site creating four active frontages.

Many of the dwellings adjoining the site boundary have undergone recent external wall insulation works, resulting in predominantly white rendered external façades. Amongst the white rendered dwellings are a handful of other elevational treatments, including hanging tiles of various colours, and some framing treatments to the windows. Most dwellings have projecting porches. The roof form of surrounding properties is mainly pitched and constructed in dark concrete or composite tiles.

The scheme comprises a mix of two and three-storey properties and one bungalow, primarily in semidetached form, in addition to one short terrace of three together with three detached homes. The scale of the buildings are considered to be appropriate in that the two and three-storey dwellings adhere to the prevailing character. The three storey buildings are sited, designed and orientated so as to have minimal impact on existing neighbours. In this regard the three storey dwellings are located to the south east and north east corner of the development and one in the centre of the development creating prominent corner buildings on Swallow Drive and Plantation Lane, improving the legibility and character of the development. The bungalow is located to the north western corner of the site, where the site lies slightly above the adjoining footpath, to reduce the massing impact of the development on existing dwellings of Falcon Court and Swallow Drive.

Via a combination of siting, scale and context, there are considered to be no amenity concerns arising. The nearest plots to adjoining neighbours are numbers 1-4, and 16. Plot 1 is a bungalow, so will not have any instances of overlooking due to the proposed and existing boundary treatments. Plots 2-4 are substantially set back from the existing terrace to the west by approximately 20m, and exhibit a front-to-front relationship, therefore there are not considered to be any amenity issues arising. Finally, plot 16 is sited with a side-on relationship to the dwellings to the north, with no windows proposed on the side elevation.

The elevation treatments of the proposed building are contemporary in nature and will consist primarily of brick, to adhere to existing vernacular. Two brick tones are proposed, in order to add variety and interest, and break up the massing. The intention of the primarily brick palette is to provide more durable dwellings, with less maintenance. Reconstituted slate pitched roofs are proposed for the houses, with a hipped form proposed for the bungalow. Windows and doors will comprise of a timber and aluminium composite in line with the Authority's wood encouragement policy.

Having carefully reviewed the proposed plans, Officers are satisfied that the form, layout and scale demonstrate that the proposed residential development is capable of being integrated into the existing settlement whilst safeguarding existing character, appearance and residential amenity compliant with policies SP7 and DM13 of the

Powys LDP.

### Highway Safety and Movement

Policies DM13 and T1 of the Powys LDP indicate that development proposals will only be permitted where it can be demonstrated that the scheme has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Access to the proposed development will be provided off Plantation Lane to the south of the site whilst parking and turning provision will be provided within the application site boundary.

On reviewing the proposed plans including amended plans received, the Highway Authority has confirmed no objection to the proposed development subject to the recommended conditions being attached to any grant of consent.

In light of the Highway comments received, it is not considered that the proposed development will have an unacceptable adverse impact on the existing highway network or provision. As such, the proposal is considered to be in accordance with planning policy, particularly policies DM13 and T1 of the Powys LDP.

### Ecology and Biodiversity

Policy DM2 states that all development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

Planning Policy Wales (PPW) 10 sets out that, “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Recent Welsh Government correspondence offered further clarity on the implementation of legislation and Government policy as outlined above, confirming that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission. Guidance regarding suitable enhancement measures are detailed within the Council’s Biodiversity SPG.

On reviewing NRW’s consultee response of 27th January it is noted that a bat survey

accompanied the Demolition Notification (DEM/2018/0001) which concerned the removal of the formal Public House and Youth Centre on site. It is understood that the bat survey confirmed that the former building was found to be a roost for soprano pipistrelle and brown long-eared bats and therefore license aside, it was envisaged that any future development would make provision for bat compensation/mitigation whilst regard to external lighting was also required. Notwithstanding their original objection to the proposed scheme, amended plans received by the Local Planning Authority which have been subject to further review by NRW have addressed the early concerns raised subject to suitable conditions being imposed on any grant of planning permission.

In terms of biodiversity enhancement, it is noted that the site is currently vacant brownfield land whilst the proposal includes the implementation of native species planting throughout the site. The proposed landscaping together with bat mitigation measures are considered to offer suitable biodiversity enhancement, proportionate to the development proposed.

In light of the consultation comments received together with submitted information, Officers are satisfied that the proposed development is in accordance with the relevant planning policies as listed above.

### Open Space

In accordance with policy DM3 of the adopted LDP, provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

The submission indicates that due to site constraints, there is insufficient space available within the application boundary to provide formal open space provision whilst satisfying housing density requirements and maximising affordable housing delivery. That said, it is noted that there are currently two undevelopable spaces (grassed and occupied by trees) in the north-eastern and south-western corners of the site which will provide opportunities for informal, natural play space for children.

On reviewing the Council's Open Space Assessment it is noted that the site is located within the 240 metres buffer for three Local Equipped Areas of Play (47, 48 and 49) whilst also being located within the 600 metre buffer for outdoor sports pitches (north east of the site). Natural and semi-natural greenspace is also located within reasonable walking distance of the site. Whilst noting the undersupply/shortfall of equipped play within the settlement boundary, Officers consider that the site has sufficient access to play provision. Furthermore, it is considered that the desire to provide affordable housing would potentially be compromised if on site provision was insisted upon by Officers meaning that identified housing need would be unfulfilled. In light of the above and site's accessibility to existing provision, Officers are satisfied that the proposal generally accords with planning policy.

## Residential Amenity

LDP policy DM13 indicates that development proposals will only be permitted where the amenities enjoyed by the occupants or users of nearby or proposed properties are not unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

As previously referenced, the application site is located within immediate proximity of existing residential properties. In commenting on the proposed development, Environmental Health note the residential setting and thereafter recommended a condition restricting the construction hours in order to safeguard residential amenity. Subject to the imposition of the condition it is considered that potential impact on neighbouring residents can be appropriately managed and therefore the proposal is considered to be compliant with policy DM13 as above.

In assessing the potential impact on neighbouring properties by reasons of overlooking and privacy, for the reasons outline within the design section, it is considered by Officers that there is sufficient distance between adjacent properties and the proposed dwellings thereby ensuring no unacceptable adverse impacts in accordance with policy DM13.

## **RECOMMENDATION**

Having carefully considered the scheme, Officers are satisfied that the proposed residential development is in accordance with the listed planning policies. The proposed scheme proposes the development of a site within a sustainable location whilst also contributing to the supply of affordable housing to meet the varied housing needs within the County. As such, the recommendation is one of approval subject to the conditions detailed below.

## **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and documents approved on xxxx as detailed below;
  - Site Location Plan (Rev P1);
  - 5B4P Bungalow, Plot 1 (Rev P5);
  - 5B8P House, Plot 11 (Rev P5);
  - 3B5P House, Plot 4 (Rev P5);
  - 2B4P House, Plot 12 (Rev P5);
  - 2B4P House, Plots 13 & 15 (Rev P6);
  - 2B4P House, Plot 18 (Rev P2);

- 2B4P House, Plot 3 (Rev P1);
- 2B4P House, Plots 5, 7 & 9 (Rev P6);
- 2B4P House, Plots 6, 8 & 10 (Rev P1);
- 3B5P House, Plot 16 (Rev P6)
- 3B5P House, Plot 2 (Rev P1)
- 4B7P House, Plot 14 (Rev P1)
- 4B7P House, Plot 17 (Rev P2)
- PCC\_PL\_04;
- Boundary Details (Rev P2);
- Design and Access Statement;
- Geo-environmental and Geo-technical Report.

3. No development shall begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include: i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces; ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; iii) the arrangements for the transfer of the affordable housing to an affordable housing provider; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

4. The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwellings shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800-1800 hrs Monday to Friday

0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

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

6. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 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.

7. No other development shall commence until each access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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.

8. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres 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.

9. The gradient of each access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

10. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing PCC\_PL\_04. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

11. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street

lighting in front of that dwelling and to the junction with the existing county highway.

12. No dwelling hereby approved shall be occupied until the vehicular access serving the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.

13. 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.

14. 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.

15. Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.

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

17. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

18. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

19. Prior to first installation, full details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the lighting scheme as approved.

20. Notwithstanding the approved plans, prior to first use, full details/samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
4. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).

5. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
6. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
7. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
8. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
9. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
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15. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
16. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2018).
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2018).

19. In the interests of Protected Species in accordance with policies SP7 and DM2 of the Powys Local Development Plan (2018), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2018).
20. In order to ensure effective integration of the site within the surrounding area and safeguard existing character and appearance in accordance with policies SP7 and DM13 of the Powys Local Development Plan (2018).