



Planning, Taxi Licensing and Rights of Way Committee Report

Powys County Council Constitution Schedule 13 Responsibility for Functions

Application Number: 20/0387/OUT

Grid Ref: E: 321953
N: 311565

Community Council: Guilsfield Community

Valid Date: 27.03.2020

Case Officer: Gemma Bufton

Applicant: Bradley and Bradley-Barnard

Location: Fairview Garage, Guilsfield, Welshpool, Powys, SY21 9ND.

Proposal: Erection of 9 dwellings to include demolition of former garage buildings

Application Type: Outline planning

Reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds that it is very prominent site in the centre of the village.

Consultee Responses

Consultee

Received

Ward Councillor

6th Apr 2020

I would like to exercise my right to "call in" the decision on the grounds that it is a very prominent site right in the centre of the village.

Community Council

No response received at the time of writing this report.

PCC-Building Control

31st Mar 2020

Building Regulations application required.

Hafren Dyfrdwy

2nd Apr 2020

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.

Hafren Dyfrdwy advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers with the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building.

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 under the 'New Site Developments' section.

The County Council as Highway Authority for the County Class II Highway, B4392

Wish the following recommendations/Observations be applied

Recommendations/Observations

The indicative layout does meet the criteria for acceptability as an adoptable road, in that there is insufficient public utility. The applicant should be aware that if the Reserved Matters layout be of a similar design, that the Highway Authority will not accept the estate road and its infrastructure for adoption. Therefore, the developer shall be required to either employ the services of, or set-up, a Management Company to maintain the estate road and all infrastructure within the site including street lighting, access road surface water drainage, etc.

In addition, private road signage should be erected at the entry to this estate in accordance with Section 31 of the Highways Act 1980. Furthermore, we would advise that all marketing for this development should include details that the road is private and the same inserted to the deed for each plot, to ensure that all prospective purchasers are aware prior to sale.

The subject site is identified as being a former petrol filling station which is potential contaminated land.

The submitted reports have been reviewed previously and the applicants attention is drawn to the following comments in respect of the Phase 2 report shown below:

The Phase 2 report is sufficient to conclude that the site can be dealt with through our contamination conditions, however the site has not been adequately characterised and I consider this as a preliminary investigation which will require further work. Specific comments follow:

1. The existing buildings have not been investigated, this will be required following demolition works. The presence of asbestos should be considered;
2. The existing driveway has not been investigated - this will also need to be considered in the next phase of investigation work;
3. An objective of the investigation is stated to be to characterise made ground, however only 1 chemical test has been undertaken - all other tests are of natural ground? It follows

that the conclusions that no exceedances of assessment criteria may require revision once appropriate testing has been undertaken;

4. Given item 3, the proposal to introduce soil as a growing medium only may require revision i.e. a protective cover system.

5. Removal of underground tanks are considered as 'engineering works' as it is remediation works and therefore should not take place until appropriate conditions have been satisfied.

Therefore, the following conditions are appropriate:

Condition A

Condition 1. Site Characterisation

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

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

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. Submission of Remediation Scheme

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

be submitted until written approval for Condition 1 has been received from the local planning authority.

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

Condition 3. Implementation of Approved Remediation Scheme

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

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

Following completion of 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).

Condition 4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

All: Having assessed the Planning Application Ref 20/0387/OUT, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

CPAT

31st Mar 2020

The proposed development lies within the medieval historic core of Guilsfield and includes a road frontage area where former medieval dwellings and their associated rear plots would be anticipated. The plot has, however, been heavily developed in the recent past and underground petrol tanks will have been inserted in the frontage area. A concrete and tarmac surface covers most of the plot together with the former service station. The archaeological potential of the plot will have been significantly compromised by the past development. In addition, reference to the old OS mapping and the 1840 tithe plan indicate that the plot did not include any buildings at the time and was used for pasture. There is a moderate potential that in the medieval period, before the mapping evidence, there may have been timber-framed buildings within the plot and their foundations and any associated archaeology may survive in small area across the development site.

Accordingly we would recommend that an archaeologist is contracted to be present through the duration of the initial site preparation and ground reduction works in order that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with guidance set out in Welsh Government TAN2 24: Historic Environment (May 2017) Planning Policy Wales (Chapter 6, Edn.9 Nov 2016).

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

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

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard

and Guidance for archaeological watching briefs. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

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

I have attached a brief for the watching brief together with advisory info. on sources of contractors who may wish to tender for the work. Please forward these to the applicants so that they are fully informed of the requirements.

Cadw – SAM

20th Apr 2020

Thank you for your letter of 31 March 2020 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the proposed development. 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 related guidance.

PPW (planning-policy-wales-edition-10.pdf) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains 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 a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Assessment

Scheduled Monuments

MG305 Guilsfield Moated Site

Registered Parks and Gardens

PGW (Po) 38(POW) The Garth (grade II)

PGW (Po) 54(POW) St.Aelhaiarn Churchyard, Guilsfield (grade II*)

The above designated heritage assets are located inside 500m of the proposed development: However, intervening buildings and vegetation will block or extensively screen all views between them. Consequently the proposed development will not have any impact on the settings of these designated heritage assets.

PCC-Built Heritage Officer

6th Jul 2020

Recommendation Support the principle - not support the proposal.

Background to Recommendation

Designation

Directly adjacent to Guilsfield Conservation area originally designated on 22.2.74 and amended on 26.9.85

In proximity to grade II* Registered Historic Park and Garden of St Aelhairn's Churchyard.

Opposite

Cadw ID 15784 Public Water Fountain included on the statutory list on 22/02/1995

Cadw ID 7893 Trawscoed House included on the statutory list on 25/04/1950 and

Cadw ID 7872 Calcott House included on the statutory list on 11/03/1981

In proximity to

Cadw ID 7888 Abercrombie House included on the statutory list on 11/03/1981

Cadw ID 7892 Trawscoed Cottage included on the statutory list on 11/03/1981

Cadw ID 7867 Jones Monument included on the statutory list on 11/03/1981

Cadw ID 7866 Church of St Aelhaiarn including Outbuilding to W end of N Aisle and outbuilding on W side of Porch grade I included on the statutory list on 25/04/1950

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 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 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting 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."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic

assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

I am aware that there was a previous outline application on the site 18/0658 for the erection of 9 dwellings, formation of access roads and parking provision. To include the demolition of existing petroleum station Fairview Service Station Guilsfield Welshpool Powys SY21 9ND

I raised no objection to that application as the site is currently a garage which is a relatively low structure set back from the edge of the carriageway, and does not contribute towards the character and appearance of the conservation area or its setting, and similarly it could be argued that it does not contribute towards the setting of the listed buildings in proximity of the site. As the application was made in outline with all matters reserved I was only able to provide in principle comments, and I previously considered that the development of this site is acceptable in principle on built heritage grounds. However the site has the potential to significantly enhance and preserve the setting of the conservation area by retaining the character and appearance of the conservation area, and similarly to positively contribute towards the setting of listed buildings. It also has the potential to significantly harm the setting of the conservation area or listed buildings by inappropriate development, and as such I would request that should the application be approved that the adjacent historic assets are considered in the design and the details of any reserved matters.

I did however note that no assessment of the setting of the historic assets had been submitted with the application. I note with regret that no assessment has accompanied this application either despite section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May 2017 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.

Preserving means "doing no harm" and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- o the prominence of the historic asset
- o the expected lifespan of the proposed development
- o the extent of tree cover and its likely longevity

- o 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.

The site is in a prominent location directly adjacent to the conservation area boundary and in close proximity to a number of listed buildings. I note that the previous application was for 9 flats with an indicative height of 6-8 m. However, the current application is for the same footprint but with a height of 7.5 - 9m.

It is not clear why the height has been raised. I acknowledge that Trawscoed House is a three storey house indicative of its age and status said to be a dower house for Trawscoed. However the surrounding properties are substantially lower, Smithy Orchard opposite being a bungalow, The Smithy being 2 storey, Sunny Mead being a single storey timber framed property, Fairview being 2 storey and the adjoining estate of Fairview Avenue being bungalows. Church View between the application site and the grade I listed church being a mix of one and a half and 2 storey and Abercrombie House being 2 storey.

There are benefits to the setting of the conservation area and the setting of listed buildings by the redevelopment of the site which I would support in principle. However this increase in height is not considered appropriate. I duly acknowledge that the application is made in outline with all matters reserved. However noting the proximity of the grade I listed church and the number of listed buildings that surround the church I could not confirm that this increase in height would not affect the setting of the listed buildings. I am attaching an extract from the CPAT Historic Settlement Survey (left picture) and Archwilio which illustrates this point.

Whilst accepting that the application is made in outline with all matters including design being reserved, and acknowledging that at preserved matters stage the design of the proposal would be considered against national guidance and policy and LDP policy DM13 and the Supplementary Planning Guidance on Design adopted January 2020 , I am still mindful of the statutory duty in respect of the setting of listed buildings.

Whilst supportive of the principle of sympathetic development on the site, I could not conclude that the increase in height would not have an adverse impact on the setting of the listed buildings.

As such I am unable to support the application in its current form.

Public Responses

A site notice was displayed for 21 days, following which 11 responses have been

received from members of the public. The objections raised are summarised as follows:

- Out of keeping with the character of the area – proposals are out of scale, character and proportion for the village of Guilsfield, which is a rural village of detached or semi-detached houses or bungalows. Type of dwellings are not appropriate in this location. In the centre of the village the majority of properties are small scale and not of great height. No other examples of terraced housing and/or apartment type flats, all houses are set back from the road at varying distances with green space at roadside. 30-metre-long wall against the back of the pavement. The location of tall terraced buildings so close to the road would change the feel and look of the historic centre of Guilsfield forever, smaller buildings with design and character at variable distances from the road would be far more appropriate. Building two bungalows would be preferable. Sensitive site in the centre of the village.
- Insufficient information - no elevations to show design or height of the proposed dwellings.
- Development too high - 9m height ridge may be due to steeply pitched roof but not possible to comment with details of massing.
- Overdevelopment – too many dwellings for the size of the site, inappropriate density at 60 dwellings per ha, overpopulating a small area in the village.
- Inadequate access – impact of tall buildings on the road and visibility at the junction.
- Increase in traffic - increase in traffic flow on a busy road, road used when main Oswestry to Welshpool road is flooded or blocked.
- Inadequate parking provision – insufficient for potential 34 occupants, inadequate parking provision for no.9 as problems exiting one of the parking spaces for no.9 and no visitor parking provision, loss of parking, on-street parking would be encouraged and parking situation would be worse especially at school times.
- Residential amenity - close to adjoining properties, overlooking of adjacent properties and gardens, impact on privacy, loss of light.
- More open space needed on development - inadequate private amenity space for the proposed dwellings for social distancing considering Covid 19 rules.
- Noise nuisance.
- Increase of pollution.
- Potentially contaminated land - possible asbestos, previously stored waste oil and danger from fuel tanks.
- Effect on local ecology.
- Bin storage – proximity to adjacent properties, smell and when cars parked there would be problems accessing the bin store by occupiers and by refuse collectors.
- Strain on existing community facilities.
- Site should remain for business purposes, should be developed into small shops.
- General dislike of proposal.
- Devaluing of property.

Planning History

App Ref	Description	Decision	Date
18/0658/OUT	Erection of 9 dwellings, formation of access roads and parking provision. To include the demolition of existing petroleum station	Application Withdrawn	20th Feb 2019

Principal Planning Constraints

Adjacent to Guilsfield Conservation Area

Listed Buildings

Principal Planning Policies

National Policy

Planning Policy Wales (Edition 10, 2018)

Technical Advice Note (TAN) 2 – Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 11 – Noise (1997)

Technical Advice Note (TAN) 12 - Design (2016)

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 23 – Economic Development (2014)

Technical Advice Note (TAN) 24 – Historic Environment (2017)

WG Circular 016/2014 – The Use of Planning Conditions for Development Management (2014)

WO Circular 22/87 Contaminated Land (1987)

WG Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018)

Local Development Plan (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

DM2 – The Natural Environment
DM7 – Dark Skies and External Lighting
DM8 – Minerals Safeguarding Area
DM10 Contaminated and Unstable Land
DM11 – Protection of Existing Community Facilities and Services
DM13 – Design and Resources
DM16 – Protection of Existing Employment Sites
H1 – Housing Development Proposals
H3 - Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions
T1 – Travel, Traffic and Transport Infrastructure

Biodiversity and Geodiversity Supplementary Planning Guidance (SPG) (2018).
Affordable Housing Supplementary Planning Guidance (SPG) (2018)
Residential Design Supplementary Planning Guidance (SPG) (2020)

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 application site is located in the centre of the village of Guilsfield with the B4392 highway travelling along its eastern boundary and the Guilsfield Conservation Area abutting the north western boundary of the application site. The site extends to approximately 0.1565 hectares, is flat and triangular in shape and currently accommodates a building and an area of hardstanding. The site was previously used as a garage for vehicles sales and more historically as a fuel station but is currently vacant.

The application has been submitted in outline with all matters, reserved for future consideration. The application proposes the erection of 9 dwellings, to include the demolition of existing petroleum station.

The indicative layout shows four apartments to be located in a block in the southern part

of the site fronting onto the B4392 highway with a terrace of five dwellings located in the northern part of the site fronting onto the B4392 highway. The proposed access point would be located between the block of apartments and the houses and the car parking areas would be located in the western part of the site.

A planning application was previously submitted for the proposal in 2018 (18/0658/OUT), however the application was withdrawn in order to allow for further contaminated land reporting to be carried out. The agent explains that this has now been undertaken and is used to inform this resubmission.

Principle of Development

- Protection of Existing Community Facilities and Services

Given that a garage could be considered to be a community service/facility, LDP Policy DM11 is applicable. This policy states that the loss of an existing neighbourhood shop, village shop, public house or service will only be permitted where it can be demonstrated that:

- i. The premises have been for sale and/or vacant for a minimum of 6 months and attempts at actively marketing the existing use during that time have been unsuccessful.
- ii. Alternative solutions to support the long-term economic viability of the business have been demonstrated to be adequately explored.

The applicant, at the time of the previous application, put forward a case for the loss of the site as a community facility. It is stated that Fairview Garage was purchased via auction in 2015 when the site was empty and had not traded as a garage for some time. A family friend to the applicant operated from this site for some time. Unfortunately, the site passed from tenant to tenant and after this time became run down and unprofitable. The site had not been used as a petrol filling station for some considerable time. The pumps were removed and the site's use as a petrol filling station was abandoned in favour of a car sales room. The use of the site for car sales failed for many years and for many different operatives.

The applicant operates petrol stations and convenience stores elsewhere in Powys and they have confirmed that the investment to re-open Fairview Garage as a petrol filling station would need petrol tanks, canopy and new petrol pumps etc and would be unrealistic and economically unviable. Competition is extremely strong in the neighbouring towns and it is considered that volumes would not warrant the investment required.

The applicant has also had the opportunity after purchasing Fairview Garage to acquire the existing convenience store and local post office. Rather than developing the Fairview Garage site into a larger convenience store which the area could not sustain the focus was then on keeping the existing convenience store and local post office open

which is the current situation. It is stated that the viability of the existing convenience store and local post office is somewhat marginal giving credence to the fact that the existing Fairview Garage could not be expanded as a larger convenience store because it is simply unviable. It is concluded that while the site has not been marketed as a community facility, it has been tested both commercially and economically by the applicant.

Officers note that the site has been vacant for a minimum of 6 months in line with LDP Policy DM11, although the current owner and applicant has not attempted to actively market the existing use since purchasing the site or re-open its former use. The LDP states that large villages are usually smaller in population than towns and provide important local services to their own and surrounding communities but they do not possess the wide range of facilities and functions found in Towns. Guilsfield hosts a range of community facilities and services including a branch medical surgery, shop, post office, community centre, recreation fields, church, primary school and public houses. In addition, a fuel station and convenience store is located at Groes Lwyd, approximately 895 metres from the centre of the Guilsfield village (measured from the Church) adjacent to the A490/B4392 highway junctions to the west of the village. Whilst this facility is located outside of the settlement boundary, it is considered that it serves the inhabitants of Guilsfield given its close proximity. It is also noted that this garage and shop can be accessed on foot along a footway along the B4392, nearly until its junction with the A490.

Whilst marketing has not taken place by the current owner and they have not tried to re-open the premises as a garage, the comments in respect of viability are appreciated. Given that Guilsfield is considered to be served by a fuel station, Officers consider, on balance, that the loss of the facility would not prejudice the ability of the community to meet its day to day needs and cater for demand through the use of the other facilities in/just outside the village.

- Protection of Existing Employment Sites

Whilst the site is not an allocated or safeguarded employment site in the LDP, nor does the previous use fall within the traditional employment land uses (B1, B2 and B8 use classes), given that Planning Policy Wales advises that economic land uses include the traditional employment uses (Class B in the Use Classes Order) as well as retail, tourism and public services, and on the basis that the site would have formerly provided employment, LDP Policy DM16 is considered applicable. This policy states that proposals for the use of existing employment sites for alternative uses will be permitted where:

1. It can be demonstrated that the land and premises are no longer required for employment purposes;
2. The proposal would not lead to an under provision of employment land or premises in the sub / local area; or
3. Prejudice the existing or future operational use of surrounding employment sites

and premises.

Representations have been received from those who would prefer to see the site retained in business use. Whilst these preferences are noted, the proposal would not result in the loss of an allocated or safeguarded employment site and would not impact on employment land provision locally or the settlement's role within the settlement hierarchy. The premises have been vacant for a prolonged period and it is concluded that the proposal would not be contrary to LDP Policy DM16.

- Provision of Housing

LDP Policy H1 permits housing developments in Large Villages on sites that are allocated for housing or on other suitable sites within the development boundary, also referred to as windfall sites. The proposed site is within the development boundary of the Large Village of Guilsfield and therefore the principle of this windfall development is acceptable providing that it is considered to be a suitable site for housing. The suitability of the site will depend on addressing any planning constraints that are relevant to the proposed use of the site for housing.

Policy H1 also requires the housing development to be appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6. Given the location within the development boundary of a large village, the location of the development is supported in principle. Other matters relating to the suitability and appropriateness of the site for housing development are discussed and assessed in detail below.

It is noted that the proposal involves the re-development of previously developed land, also known as brownfield land. The LDP contains an objective which generally supports the re-use of previously developed land. National policy in PPW is also generally supportive in that it states that, in settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

In terms of delivery of housing on the site, LDP Policy H3 states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs and be phased, if appropriate, to reflect the context of the development and mitigate its impact on the local community. The proposal indicates that nine dwellings would be constructed, of varying scales with a mix of terraced dwellings and apartments. This outline submission indicates a mixture in the scale of dwellings, however it is advised that this scale is indicative only with scale being a reserved matter for future consideration. The current submission includes housing need information obtained from the Local Housing Authority in February 2020, which the agent confirms indicate a total of 21 households registered in housing need and requiring housing in Guilsfield as their first choice with a further 126 who have registered Guilsfield as their second or subsequent choice. According to the agent, the vast majority of these households are registered in Bands 1-

3 suggesting a genuine need for housing. As advised in the Affordable Housing SPG, overall the Powys Local Housing Market Assessment (LHMA update, 2016) identifies a need for additional affordable housing for smaller households of 1 or 2 bedrooms and a greater need for social rented housing.

On the basis of the information provided in the submission and taking into account the conclusions of the LHMA, given that a mix of smaller two and three bedroom dwellings and one bedroom apartments are proposed, it is concluded that the proposed scale and mix of housing appropriate to meet the range of identified local housing needs.

Public responses have raised concerns over the density of the proposal. LDP policy H4 states that all housing development proposals should seek to make the most sustainable and efficient use of land with the guide range of housing density in Large Villages being 27+ units per hectare. In addition, the guide range for Large Villages in Policy H4 is expressed as a minimum and the policy also states that density may be varied where justified by evidence of local circumstances or constraints. The proposal for nine dwellings would have a density of 56 dwelling per hectare. PPW encourages higher densities in towns and large villages which are settlements best served by public transport. The higher density is explained by the smaller sized dwellings and apartment type dwellings. The guide ranges in Policy H4 are based on typical developments involving houses rather than developments involving apartments. Given the national and local planning policy support for higher density developments and the flexibility provided by LDP Policy H4, it is considered that the proposed density is not inappropriate in this instance.

On the basis of the above, the principle of the proposed provision of housing on this site is considered acceptable subject to detailed consideration of other site specific planning matters, as is considered below.

Affordable Housing

LDP Policy H5 requires proposals for new housing development of five or more dwelling units or on sites of 0.25 ha and above to make contributions towards the provision of affordable housing. The agent's supporting statement refers to the site being within the North Powys sub-market area, however Guilsfield Community is, in fact, within the Severn Valley sub-market area where the policy sets a target affordable housing contribution of 20%.

The submission also states that the applicant is prepared to enter into negotiations to offer the whole site for affordable housing and that preliminary enquires with the Local Housing Authority suggest that an appropriate affordable housing scheme in this location would be welcomed. Officers advise that only a 20% affordable housing contribution can be required as stipulated in LDP Policy H5. For this proposal, this level of contribution would equate to 1.8 units, which could either be provided as two whole affordable units on-site, or as one whole affordable unit and a part financial contribution equating to 0.8 units.

A condition is to be attached to any consent granted to require the submission of a scheme for the provision of affordable housing including the phasing of the scheme.

Design and Layout

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. In line with policy DM13 development proposals should therefore be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Whilst design and layout are reserved matters and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 9 residential units of this scale could be accommodated on the site.

Whilst public representations have raised concerns over the character of the development on the surrounding area and loss of privacy/amenity, Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 9 residential units without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties. The proposed development is therefore considered to comply with relevant planning policies.

Highway Safety

Part 10 of LDP Policy DM13 and T1 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development.

This application is sought in outline with all matters reserved, including access. The Highway Authority have been consulted and have confirmed that the indicative layout does not meet the criteria for acceptability as an adoptable road.

Given that these works are reserved and not for consideration under this application they have confirmed that an amended layout should be considered at Reserved Matters time or the Highway Authority will not accept adoption of the estate road and its infrastructure.

In light of the above and given that no objection to the principle of the development has been received it is considered that these points regarding layout and access can be

appropriately considered at the time of any subsequent reserved matters application.

Contaminated Land

The application site is a former petrol filling station which is a potential contaminative use. In support of the application a Phase 2 Geo-Environmental and Geotechnical Assessment/ Preliminary Risk Assessment by Earth Science Partnership has been submitted in support of the application.

Powys County Council Contaminated Land Officer has been consulted and has concluded that the Phase 2 report is sufficient to conclude that the site can be dealt with through appropriately worded conditions to ensure the long-term maintenance of the site.

Subject to appropriately worded conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Built Heritage

Scheduled Monuments

MG305 Guilsfield Moated Site

Registered Parks and Gardens

PGW (Po) 38(POW) The Garth (grade II)

PGW (Po) 54(POW) St. Aelhaiarn Churchyard, Guilsfield (grade II*)

Guilsfield Conservation Area

Cadw ID 15784 Public Water Fountain included on the statutory list on 22/02/1995

Cadw ID 7893 Trawscoed House included on the statutory list on 25/04/1950 and

Cadw ID 7872 Calcott House included on the statutory list on 11/03/1981

Cadw ID 7888 Abercrombie House included on the statutory list on 11/03/1981

Cadw ID 7892 Trawscoed Cottage included on the statutory list on 11/03/1981

Cadw ID 7867 Jones Monument included on the statutory list on 11/03/1981

Cadw ID 7866 Church of St Aelhaiarn including Outbuilding to W end of N Aisle and outbuilding on W side of Porch grade I included on the statutory list on 25/04/1950

- Scheduled Ancient Monument/ Registered Park and Gardens

Cadw have been consulted and have confirmed that the application site is located 500m of Registered Park and Gardens and Scheduled Ancient Monument MG305. However, intervening buildings and vegetation will block or extensively screen all views between them. Cadw have therefore confirmed that they have no objection to the proposed development and confirmed that the proposed development will not have any impact on the settings of these designated heritage assets.

- Listed Buildings and Conservation Areas

The Built Heritage Officer has drawn attention to Sections 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.

The Officer has also referred to recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th Edition 2018 which states, "For any development proposal affecting 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."

Concerns were initially raised by the Built Heritage Officer as this application, whilst its appearance was a reserved matter, indicated that the dwellings as proposed could have a maximum height of 7.5 to 9 metres.

It is acknowledged that Trawscoed House is a three-storey house, however the surrounding properties are all substantially lower. It is considered that there are benefits to the setting of the conservation area and the setting of listed buildings by the redevelopment of the site. However, concerns were expressed over the proposed heights.

In response to these concerns, amended details were received from the agent who confirmed (via email dated 14th July 2020) the lowering of the proposed heights to a maximum of 8 metres.

In light of the amended heights, it is considered that the proposed development subject to careful consideration at Reserved Matters stage will not cause any unacceptable harm to the settings of any nearby listed buildings, conservation area, Scheduled Monument or Registered Park and Gardens.

Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

A Bat Survey Report has been completed by Turnstone Ecology and submitted in support of the application given the demolition of the existing buildings on site which have the potential to be utilised for roosting bats.

Emergence and dawn return surveys were completed and no bats were recorded as emerging from the detached commercial units. Following the surveys and given that the building structure, limited potential roosting locations and evidence of bats, it was concluded that the site is of low suitability for roosting bats.

It will be recommended however that biodiversity enhancements as outlined within the bat survey report should be included on all dwellings proposed. A condition will be attached to ensure full details of such enhancements are submitted for consideration at the time of any reserved matters application.

Granllyn Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) is located approximately 100 metres east of the proposed site. Granllyn SAC / SSSI is of special interest for supporting the largest known population of Great Crested Newts in Montgomeryshire. The proposed development site consists entirely of built structures or areas of hardstanding and as such offers no suitable terrestrial habitat for Great Crested Newts, it is therefore considered that given the site's location and current condition it is unlikely to have any direct impact on the features of the Granllyn SAC / SSSI.

In light of the above and subject to an appropriately worded condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Decision

In light of the above and subject to the recommended conditions it is therefore considered that the principle of the development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

Conditions

1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% 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 [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

5 Notwithstanding the provisions of schedule 2, part 1, class A- 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), no buildings, extensions or alterations shall be erected other than those expressly authorised by planning permission.

6. Notwithstanding the approved plans, any reserved matters applications shall have a maximum height of 8 metres to the ridge per dwelling as agreed by email dated the 14th July 2020 by Hughes Architects.

7. 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. The scheme as approved shall be implemented in accordance with the approved details before the development is first brought into use.

8. At the time of submission of any Reserved Matters application all biodiversity enhancements as indicated within the Bat Survey Report for Fairview Garage, Guilsfield by Turnstone Ecology dated August 2018 shall be included on all elevational drawings as proposed. Thereafter, the biodiversity enhancements as approved shall be constructed prior to the first use of any dwelling thereafter approved.

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

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The

report is subject to the written approval of the local planning authority.

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).

10. 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 9 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).

11. 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).

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 4 To ensure a % of the properties hereby approved are available as affordable dwellings in accordance with policy H5 of the Local Development Plan (2018) and Planning Policy Wales (2018).
- 5 This condition is imposed to control future development at this site on amenity grounds and also the future affordability of the development in accordance with policy H5 and DM13 of the Powys Local Development Plan.
- 6 To ensure that there would be no adverse impact on the setting of nearby listed buildings in accordance with policy SP7 of the Local Development Plan (2018), Technical Advice Note 24 and Planning Policy Wales (Edition 10, 2018).
- 7 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.
- 8 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 9 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).
- 10 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).
- 11 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).