Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	19/0817/OUT	**Grid Ref:**	E: 327182 N: 318339
Community Council:	Llandysilio Community	**Valid Date:**	15.05.2019

Applicant: Mr P Davies

Location: Land At Gornal Farm, Four Crosses, Powys , SY22 6RJ

Proposal: Residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved)

Application Type: Outline planning

The reason for Committee determination

In accordance with the Planning Protocol, the Local Member for Llandysilio Community has requested that this application be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee	**Received**
Ward Councillor	28th May 2019

Can I please call this application for determination by the committee.

I am under the impression that it will have to be determined by the committee given the land is outside the development plan.

Myself and the community council have grave concerns re the access and highways issues.

Can you please confirm.

Community Council	6th Jul 2019

Re: 19/0817/OUT - Residential development of 35 Affordable dwellings , formation of vehicular access at Gornal Farm, Four Crosses.

Llandysilio Community Council have considered the above application at its meeting held on Thursday 27th June 2019.

The Community Council was very disappointed that this site was not included within the adopted L.D.P as it is central to the village but it has to be considered now as being outside the development plan and although the application is for Affordable dwellings, which could be considered as an acceptable departure from the plan, there are other problems as detailed below and because of this the Community Council wish to OBJECT to the above application;-

1. Contrary to Policy DM13 - Design and Resources

This application would add a further 35 affordable dwellings to the 24 affordable granted recently in respect of another site in Four Crosses. Whilst it was noted that Mid-Wales Housing are interesting in this development the Community Council feel that 59 affordable dwellings would be out of proportion for the Village.

There is concern that the existing infra-structure will not be able to cope with this additional housing - currently there is a 3 week waiting time for an appointment at the Four Crosses Surgery and a limited bus service to access the larger surgery at Llanfyllin or Welshpool. Llandysilio School is also reliant on mobile classrooms.

2. Contrary to Policy DM3 - Public Open Space

There are 3 Public Open Space's and a screen sound bund included as part of this development - whilst the management of these may be dealt with as a reserved matter, it is important to establish at this Outline stage as to how these spaces will be managed.

3. Contrary to T1 - Travel, Traffic & Transport Infrastructure.

This Policy seeks the safe and efficient flow of traffic for all transport users.

With an average of 2 cars per dwelling, the proposed development of 35 dwellings could bring an extra 70 cars with an average of 4 movements a day which would mean an increase in traffic of at least 280 vehicles a day. There is considerable concern over the proximity of the junction to that of Foxen Manor, the proximity to the 2 chichanes on either side, 2 bus stops and the entrance to the Old Creamery. The Community Council maintains its opinion that a roundabout would improve the safety here for all road users.

Wales & West Utilities - Plant Protection Team 24th May 2019

Wales & West Utilities acknowledge receipt of your notice received on 23.05.2019, advising us of the proposals for: Gornal Farm, Four Crosses, LLANYMYNECH, Powys, SY22 6RJ According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Environmental Health 5th Jun 2019

Re: Residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved).

Noise impact

There are noise-emitting industrial and commercial premises adjacent to the application site. It is therefore important that noise impact is assessed in order to determine whether the application site is suitable for residential development.

However, this application has been submitted with an out-of-date, and therefore inappropriate, noise impact report.

The report, M1802/R01, specifically relates to the previous application on this site which was for 20 dwellings. The report goes into detail regarding the anticipated noise impact on each individual dwelling, and specifies the mitigation measures required to achieve acceptable noise levels at each property (i.e. standard of glazing, ventilation systems, orientation of the property, boundary treatments - fences etc.). For this reason, it is specific to the previous application and is not relevant for the current application.

It is also worth noting that at the time the noise assessment was carried out, there was a vacant industrial/commercial unit just to the north of the application site. Any assessment also needs to consider the potential noise impact from that unit as well, given its permitted planning use class.

Therefore, I must object to the application due to insufficient information on noise.

Ecologist 20th Jun 2019

Thank you for consulting me with regards to planning application 19/0817/OUT which concerns an outline planning application for residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved) at Gornal Farm, Four Crosses Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 67 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

An Ecological Appraisal report has been produced by Turnstone Ecology Ltd dated November 2017 and submitted with the planning application. The report has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value.

Following the ecological assessment of the site, habitats identified within the proposed development boundary are; improved grassland, hedgerow, trees and scrub.

It is also noted that a disused building is adjacent to the site.

With regards to protected species there is suitable habitats identified to support badgers and reptiles for foraging and commuting purposes.

Given the habitats identified within the site and surroundings it is considered unlikely that great crested newts and dormice would be present and affected by the proposed developments.

The hedgerow boundary and the trees are considered to be suitable habitats to support nesting birds. No evidence of nesting birds (e.g old nests) were recorded during the survey.

The disused building adjacent to the development site and the mature trees within the site boundary have been noted to have potential features to support roosting bats. The

hedgerow boundary with scattered trees is considered to be suitable foraging and commuting ground for bats.

In summary, the proposed development will be directly affecting ecological poor improved grassland and two 15m length of hedgerow of higher ecological value. In order to protect habitats and maintain biodiversity of the site mitigation measures and safe working methods will need to be incorporated as part of the proposed development.

- Proposed mitigation measure include;
- Tree and Hedgerow Protection Plan
- Tree and Hedgerow Compensation Scheme
- Working Method Statement Regarding Badger
- External Lighting Plan
- Provision of additional bat boxes within the final design of the development
- Timing of work - hedgerow removal to be undertaken outside of the bird nesting season
- Provision of bird nesting boxes within the final design of the development to compensate for the loss of suitable nesting habitat
- Working Method Statement Regarding Reptiles

Given the recommended mitigation and avoidance measures in section 4 of the ecological survey report, I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation and avoidance methods be secured though an appropriately worded condition.

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. I do note from reviewing the Planning, Design & Access statement submitted with the planning application proposes that new trees will be planted on site as part of the proposed developments. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes (%), planting and aftercare schedules. It is therefore recommended that a tree and landscape planting scheme is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the

following conditions:

The mitigation, avoidance and compensation measures regarding proposed and priority species identified in section 4 of the Ecological Appraisal report has been produced by Turnstone Ecology Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Reasonable Avoidance Method Statement regarding Reptiles shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, 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.

Prior to commencement of development a Reasonable Avoidance Method Statement regarding Badgers shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, 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.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a detailed Compensation Hedgerow Planting Plan shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

o intentionally kill, injure or take any wild bird

o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

o intentionally take or destroy the egg of any wild bird

o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a

fine of up to 5,000 pounds, six months imprisonment or both.

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

Building Control 23rd May 2019

Building Regulations application required.

Highway Authority 21st Feb 2020

The application site was previously considered under P/2017/1096 Outline: Residential development for up to 20 dwellings, formation of a vehicular access, and all associated works where highway recommendations were provided.

The proposed access onto the county classified highway B4393 includes for amendments to the current county unclassified highway U4902 City Lane which are considered to form part of the access requirements and are shown on Drawing No. RPP/TW-JOB23-03 Rev. F.

The Technical Note (TN) submitted with the application reviews the impact of the proposed new access including modelling capacity, queuing and delay using industry standard approaches. The TN also comments on the previous application proposal based on a mini roundabout junction which was subsequently amended to the current staggered junction proposal. Having reviewed this against TD 54/07 Design of Mini-Roundabouts standard and Manual for Streets (MfS) 1and 2 we are content that the proposed staggered junction is an appropriate solution. The junction spacing of 23 metres is considered acceptable within guidance given in MfS.

City Lane is currently accessed by two junctions neither of which would likely meet current best practice guidance/standards, being narrow and joining at an angle below desirable minimum. The relatively low traffic volumes on the B4393 combined with limited

properties along City Lane mean that this is not currently a problem. Introducing another junction for the proposed development would however create unacceptable conflict. The opportunity to combine City Lane into the new access arrangements will provide improved access/egress for users of City Lane by offering additional road width, improved angles of approach and visibility.

A short section of City Lane will no longer be required for vehicle access but will be retained as a Pedestrian Access Route. The removal of vehicle use adjacent to City House is considered essential and necessary to ensure the integrity of the access proposal. The most expeditious route to implement this would likely be through an application to the Secretary of State under Section 247 of the Town and Country Planning Act 1990.

The B4393 has traffic calming and public transport provision in close proximity to the proposed access. Whilst it is proposed to relocate the bus stop no review of the traffic calming has been included. The traffic calming likely contributes to low vehicle speeds and a review of provision to maintain this would be appropriate to ensure that it complements the proposed layout.

In the event that consent is given the highway authority would recommend the following conditions be attached:

1. Prior to any works being commenced full engineering drawings for the access comprising: the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) shall be submitted to and approved in writing by the local planning authority.

2. Prior to any works being commenced a review of traffic calming and/or amenity facilities along the B4393; the pedestrian access route; the new access and Offas Dyke Road/ Ffordd Clawdd Offa together with a scheme for any required changes identified shall be submitted to and approved in writing by the local planning authority.

3. Prior to any works being commenced a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for details on the construction sequencing, the minimisation of disruption and in particular the protection of health and safety of highway users.

4. No other development shall commence until the 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 5.5 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 12 metres distant in each direction measured from the centre of the access along the edge of the adjoining

carriageway and 2.4 metres distant from the edge of the adjoining carriageway and 43 metres in each direction.

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.

5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

6. No development works shall commence until all access works comprising the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) are completed to the written satisfaction of the planning authority.

Reason for the recommendation:

To ensure compliance with Policy T1 Travel, Traffic and Transport Infrastructure of the Powys Local Development Plan (LDP)

Informative:

Whilst Layout of the development is not part of this application attention is drawn to the need to maintain forward visibility on the realigned section of City Lane. The indicative layout for plots 25 and 26 in Drawing No. RPP/TW-JOB23-03 Rev. F may need to be amended to achieve this. In addition, the parking for plots 25 and 26 will need to be reconsidered to ensure that the angle and/or location onto the highway are appropriate.

Such consideration will also be required for other plots within the internal layout e.g.4, 14, 18, 27, 28, 34.

Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAY LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING:1

1. All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

2. Where development results in (or retains the potential for) the creation of a private

street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the street works authority that covers the estimated costs of the identified street works.

Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

3. The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of any requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage.

4. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

5. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

6. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

7. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

8. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

9. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

10. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Schools Service 20th Jun 2019

As there is significant surplus capacity at the local high school and catchment primary school the Education Service does not wish to submit a bid for a Section 106 funding in respect of this planning application.

Natural Resources Wales (North) DPAS 25th Jun 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 23/05/2019.

NRW does not object to the proposal. We have the following advice to provide.

Protected Species

No protected species reports have been submitted to NRW to support the proposal. Should an ecological report be available which shows evidence of protected species using the proposal location, we would wish to be re-consulted.

If any mature trees will need to be felled as part of the scheme, the trees should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year.

Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Care should be taken in the type and location of any external lighting within the new development, to ensure that the trees and hedgerows identified on the site are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Ein cyf/Our ref: SJ21/GB/CAS-88283-C8F5

Eich cyf/Your ref: 19/0817/OUT

Swyddfa Llywodraeth Cymru/Welsh Government Building,

Rhodfa Padarn,

Llanbadarn Fawr,

Aberystwyth

SY23 3UR

northplanning@cyfoethnaturiolcymru.gov.uk

03000 65 4680

Foul Drainage

The proposal is in the catchment area of a public mains sewer, to which we assume a connection to be made. A connection to this system must be discussed with the sewerage undertaker.

Flood Risk

The proposal site is in Zone A as defined by the Development Advice Map referred to under TAN15: Development and Flood Risk (July 2004), and is therefore considered to be at little or no risk of fluvial or tidal/coastal flooding.

All surface water drainage matter must be dealt with by the Lead Local Flood Authority (LLFA).

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

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Pollution Prevention

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmh

o0412bwfe-e-e.pdf

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should be supervised at all times - and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline, 03000 65 3000.

Waste

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

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

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

Cadw - SAM 4th Jun 2019

Thank you for your letter of 23 May 2019 inviting our comments on the information submitted for the above planning application.

Advice

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

Our role

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

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance. PPW (Chapter 6 - The Historic Environment) 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. PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application is accompanied by an archaeological assessment prepared by Clwyd-

Powys Archaeological Trust; however this document was prepared for a previous application (P/2017/1096) which was for 20 dwellings rather than the 35 proposed in the current application. Whilst it is noted that the proposed dwellings are in similar areas to those proposed in the previous application and therefore it could be considered that the results of the assessment will be similar; however, the current assessment does not consider the impact of the proposed "screen sound bund" on the setting of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. This will be a material consideration in the determination of this application (see Planning Policy Wales 2018 section 6.1.23) and therefore the applicant should be requested to provide a revised assessment of the proposed development on the setting of scheduled monument MG033.

CPAT 28th May 2019

Thank you for the consultation on this application.

We note the addition of a sound bund on the western side of the development area which approaches at the southern end up to the point where the former Offa's Dyke rampart bank was located. While the bank has been subsequently truncated here there may be sub-surface evidence of the bank base and anything that it was built over. Works to strip the ground ready for a bund base may therefore reveal archaeological deposits that would require excavation prior to their removal.

In this case we would recommend a comprehensive archaeological watching brief on all ground works at the south west corner of the development site to ensure any archaeology revealed is adequately recorded.

In this case the condition will be:

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 (41 Broad Street, Welshpool, Powys, SY21 7RR 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 information on sources of archaeological contractors who may wish to tender for the work and a copy of the standard brief. Please pass these on to the applicant so that they are fully informed of the requirements.

Cadw 17th Aug 2020

Thank you for your letter of 27 July 2020 inviting our comments on the additional information submitted for the above planning application.

Advice

We have significant concerns about the impact upon the scheduled monument MG033 Offa's Dyke which would give us cause to object to the application unless an acoustic fence is installed to replace the 30m long section of bund that is currently 2m high. This would reduce the impact of the proposed development on the setting of the scheduled monument to a level that was not significant and therefore acceptable.

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

A revised archaeological assessment prepared by Clwyd-Powys Archaeological Trust has been submitted in support of this application which considers the impact of the proposed screen sound bund on the setting of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio.

The proposed bund will be located alongside the western boundary of the application area. It will commence at the south western end of the application area where it is meets the line of Offa's Dyke and to reduce the impact of the proposed bund on the setting of the scheduled monument the bund will initially be some 2m in height increasing to some 5m high circa 30m away. The reduction in the height of the proposed bund will provide some mitigation on the impact of the proposed development on the setting of the scheduled monument. However, we are concerned that any bund commencing at the corner of the field in close proximity to the visible section of Offa's Dyke is likely to be misconstrued as being the line of the Dyke (especially by walkers on the Offa' Dyke Path). This is particularly likely given the lack of visual evidence for the continuation of the Dyke on its original line and that the path has been previously diverted off the line of the Dyke.

The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. As such, it is clear that the proposed bund could be misunderstood as being Offa's Dyke and will alter the way that the scheduled monument will be experienced and appreciated. The Clwyd-Powys Archaeological Trust has assessed the proposed bund as having a moderate/large and therefore significant impact on the setting of scheduled monument MG033. We agree with this assessment and would have cause to object to the granting of consent due to the impact of the bund. However, we consider that the proposal could be amended to an acceptable level if the 2m high, 30m long section of the bund was removed from the scheme and an acoustic fence installed instead. This would reduce the impact of the proposed development on the setting of the scheduled monument to a level that is not significant and therefore acceptable.

Community Council 2nd Sep 2020

Llandysilio Community Council have considered the additional information at a 'remote' meeting held on Thursday 27th August 2020.

The Community Council felt that more information was needed about the precise size of the proposed earth bund as on the plans it states between 2 - 5.5m - what would the width of the bund be?. Councillors also felt that more information was needed as to how this earth bund will impact on the Offa's Dyke Footpath.

The Community Council would also like assurance form the Highways Officer that the proposed staggered junction is acceptable taking into account its close proximity to the traffic calming build-out and in the other direction a mini-roundabout.

The Community Council will maintain its OBJECTION as the development is considered over-development in terms of affordable housing as 31 have already been granted on 2 sites in the Village. As such the application is contrary to Policy DM13 - Design and Resources.

Natural Resources Wales (North) DPAS 29th Jul 2020

Thank you for consulting NRW on additional information submitted in support of the above. We do not have any further comments to make to those made in our letter referenced SJ21/GB/CAS-88283-C8F5 dated 25/06/2019.

Schools Service 28th Jul 2020

I have reviewed the additional information and as there is significant surplus capacity and the local high school and catchment primary school, the Education Service does not wish to submit for a S106 funding in respect of this application.

Wales & West Utilities - Plant Protection Team 27th Jul 2020

Wales & West Utilities plans should now be obtained from LSBUD (https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linesearchbeforeudig.co.uk%2F&data=02%7C01%7Cplanning.consultations%40powys.gov.uk%7C5146c82358ad48a446cd08d83234e954%7Cc01d9ee10eb0475499ae03ae8a732b50%7C0%7C0%7C637314550121098823&sdata=hi3uKc67qD7%2FngQh%2FHibUiRBoKH50LDA76TDYcebpkU%3D&reserved=0).

If you are working on behalf of a utility company, local authority or contractor working on behalf of a local authority and would still like to continue receiving asset information directly from WWU's Plant Protection Team, an administration fee of £36.00 + VAT will now be applicable.

If you would like to proceed with your request, please let us know whether you will be paying by card or cheque and we will process your request.

Environmental Health 23rd Nov 2020

Re: Residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved) | Land At Gornal Farm Four Crosses Powys SY22 6RJ.

Noise assessment

The new noise impact assessment has determined that without mitigation the site will not be appropriate for residential development. The report then goes on to list a number of mitigation options.

However, the applicant/agent needs to confirm which options will be utilised and provide plans which detail their location and specification.

Details required include:

- Details of the earth bund;

- Details of the acoustic fencing at the northern site boundary;
- Details of any other proposed mitigation measures such orientation of bedrooms, glazing/ventilation, 'boundary treatments' (garden fencing) etc.

The applicant/agent should also demonstrate that the selected suite of mitigation measures reduce the noise impact to an acceptable level at all proposed dwellings at all times of the day.

Environmental Health 16th Dec 2020

I note the comments of the agent in response to my questions concerning the noise mitigation measures. I am satisfied that a suite of mitigation measures, as outlined in the Matrix noise report, are capable of reducing noise to acceptable levels. However, the precise measures do need to be decided upon, and the specifications agreed, prior to development.

If these details need to wait until the reserved matters stage, if that is an option, then I do not have a problem with that approach.

Representations

The application was advertised via site notice and press advertisement. Two objections were received and are summarised below;

- Insufficient information to assess impact on rights of way
- Proximity of new development to commercial site
- Impact on amenity of new properties from neighbouring industrial units
- Need for affordable housing
- No SAB application submitted

Planning History

P/2017/1096 - Outline: Residential development for up to 20 dwellings, formation of a vehicular access, and all associated works | Land At Gornal Farm Four Crosses Powys SY22 6RJ. Application refused 25th May 2018.

Principal Planning Constraints

Scheduled Ancient Monument – Offa's Dyke
Public Right of Way
Industrial units in close proximity

Principal Planning Policies

<u>National Planning Policy</u>

Future Wales: The National Plan 2040 (2021)

Planning Policy Wales (2021)

Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 15 - Development in Flood Risk Areas (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20 – Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

<u>Local Planning Policy</u>

Powys Local Development Plan (April 2018)

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

Supplementary Planning Guidance - Affordable Housing (2018)
Supplementary Planning Guidance – Biodiversity and Geodiversity (2018)
Supplementary Planning Guidance – Landscape (2018)
Supplementary Planning Guidance – Planning Obligations (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 adjoins the settlement development boundary of Four Crosses as defined by the adopted Local Development Plan (2018) and extends to approximately 2.09 hectares. The site currently comprises of agricultural land, the topography of which is relatively flat. The site is bound to the north by existing agricultural buildings, to the east by existing residential dwellings, to the south by agricultural land, buildings and right of way, and to the west by existing buildings.

Consent is sought in outline for the erection of 35 affordable dwellings together with the provision of a vehicular access. Matters relating to appearance, layout, scale and landscaping are reserved for future consideration.

Planning History

Outline planning permission for the erection of 20 dwellings comprising of open market dwellings and affordable units was refused by the Local Planning Authority under planning reference P/2017/1096. The reasons for refusal were as follows;

1. The proposed development is considered to be unjustified development in the open countryside contrary to policies SP6 and H1 of the Powys Local Development Plan.

2. . Insufficient information has been provided to demonstrate that the development of a minerals safeguarding area is justified. The proposed development is therefore considered to be contrary to Policy DM8 and SP7 of the Powys Local Development Plan (2018), policy GP4 of the Unitary Development Plan (March 2010), Technical Advice Note 18 and Planning Policy Wales (9th Edition, 2016).

3. Insufficient information has been provided to assess the impact of the proposed acoustic barrier on the Offa's Dyke Scheduled Monument. The proposed development is therefore contrary to Planning Policy Wales, TAN24 and LDP policy SP7.

Principle of Development

Strategic policy SP5 confirms that the LDP spatial strategy is based on a sustainable settlement hierarchy which takes account of a settlement's size, levels of service provision and the capacity and suitability of a settlement to accommodate sustainable growth. The sustainable settlement hierarchy comprises:

- Towns
- Large Villages
- Small Villages
- Rural Settlements
- Open Countryside including the Undeveloped Coast

The development limits for Towns and Large Villages are set by designated Development Boundaries shown on the LDP inset maps. For the purpose of the plan, Members are advised that Four Crosses is defined as a Large Village. In such locations, the LDP anticipates at least 25% of the Plan's housing growth will be directed through commitments, new allocations or affordable housing on exception sites where these form a logical extension to the settlement.

Affordable Housing Exception Sites & Delivery

As an exception to normal housing policy, LDP policy H6 allows the development of sites for 100% affordable housing to meet local needs in locations not normally acceptable for residential development in accordance with PPW and TAN 2. Sites adjacent to Towns and Large Villages are likely to be suited to accommodating the larger affordable housing schemes and therefore these sites are reserved for development by Registered Social Landlords, or equivalent organisations, or the Strategic Housing Authority.

In accordance with policy H6, new affordable homes should be of a size, scale and tenure that is commensurate with the defined need. The Powys Local Housing Market Assessment (LHMA) provides robust evidence of local housing need and confirms that there is an overall need for affordable housing across all areas of Powys however it identifies a greater need for additional affordable housing for smaller households of 1 or 2 bedrooms. The Affordable Housing SPG indicates that the LHMA is currently undergoing review and therefore the Council will consider other sources of evidence in order to determine need, including the Common Housing Register (identifies need for social housing) and the Affordable Housing Register (Tai Teg).

Whilst the site subject to this application is, for the purposes of the Plan defined as open countryside, the site immediately adjoins the settlement development boundary of Four Crosses and proposes 100% affordable housing. The indicative site plan indicates the provision of the following;

1BB - 4no House Type 1 – 1 bed bungalow – 645sqft (60sqm)
2BB - 5no House Type 2 – 2 bed bungalow – 861sqft (80sqm)
2BH - 12no House Type 3 – 2 bed house – 893 sqft (83sqm)

3BH - 9no House Type 4 – 3 bed house – 1,012 sqft (94sqm)
4BH - 5no House Type 5 – 4 bed house – 1,227 sqft (114sqm)

It is noted by Officers that concerns regarding the principle of the proposed development have been expressed by the Community Council. In particular, concerns relate to the perceived oversupply of affordable housing within the Village given recently consented schemes together with an LDP allocation (P18 HA1, 32 dwellings). Whilst acknowledging the concerns put forward, Officers are satisfied that the proposal includes an appropriate mix of housing, reflective of the housing need as evidenced by the Commons Housing Register together with correspondence submitted by Mid Wales Housing who are understood to be interested in acquiring the site for development. On this basis, it is considered that the proposal is in accordance with LDP policies H1, H3 and H6.

Housing Density

All housing development proposals should seek to make the most sustainable and efficient use of land. The density for any proposed housing development should be in accordance with the guide ranges detailed within the LDP *unless justified by evidence of local circumstances or constraints*. Within Towns and Large Villages, the LDP indicates a density of a minimum of 27 units per hectare.

The application site area extends to approximately 2.09 hectares and proposes the erection of 35 dwellings, achieving a density of 16.7 units per hectare which Officers acknowledge is considerably below the 27 unit threshold as above. Whilst noting the reduced housing density, Officers are mindful of constraints specific to the site location, namely proximity to Offa's Dyke Scheduled Ancient Monument and adjoining industrial units which present potential noise implications. Three distinct areas of open space have been proposed to limit the developments impact on the Offa's Dyke Scheduled Monument, the Offa's Dyke Path, and to allow for noise mitigation and buffer to the north-west and west of the development site. The third section of open space is provided due to the need to realign the highway for access to City Lane.

In support of the application and proposed density, evidence has been provided by the applicant's agent which indicates that the site constraints have led to the proposed layout. The agent has also confirmed that when taking out those areas the remaining areas of the site to be developed are developed at 27 dwelling per hectare and as such comply with policy.

<u>Agricultural Land</u>

Planning Policy Wales confirms that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special

importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development.

Members are advised that the application site is classified as Urban and does not fall within the grades 1, 2 or 3a.

Appearance, Layout and Scale

Proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape and therefore must be appropriate and sensitive in terms of integration, siting, scale and design. The objectives of policy DM4 as above are further endorsed within policy DM13 which emphasises the need for development proposals to complement and/or enhance the character of the surrounding area.

Guidance within the recently adopted Landscape SPG indicates that outside of settlements, applications for residential development of ten dwellings or more should be supported by a Landscape and Visual Impact Appraisal together with details within the Design and Access Statement confirming how the proposal accords with policy DM4. Whilst no LVIA has been submitted, matters relating to design and siting are discussed within the accompanying design and access statement. Although located outside of the settlement development boundary, the proposed development adjoins the settlement limits and is enclosed by existing development within the village meaning that the proposed development will be seen as an integral part of the built form thus safeguarding existing character and appearance.

Details relating to appearance, layout and scale have been reserved for future consideration however on the basis of the information submitted to date, Officers are satisfied that an appropriate scheme which complements the surrounding area whilst safeguarding residential amenity is capable of being secured. The proposal is therefore considered to be in accordance with LDP policies DM4 and DM13.

Highway Safety and Movement

Policy DM13 confirms that development proposals will only be permitted where the development 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. Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The proposed access onto the county classified highway B4393 includes for amendments to the current county unclassified highway U4902 City Lane which are

considered to form part of the access requirements and are shown on Drawing No. RPP/TW-JOB23-03 Rev. F. Parking and turning provision for the proposed residential units will be provided within the application site boundary.

In commenting on the proposed development, the Highway Authority has confirmed that they are satisfied with the proposal subject to the recommended conditions being attached to any planning permission granted. Based upon the comments received, Officers are satisfied that sufficient highway provision is capable of being secured, compliant with the aforementioned policies.

Open Space Provision

Policy DM3 of the Powys LDP states;

Development proposals either partially or wholly located on existing Open Space will only be permitted where it can be demonstrated that:

1. There is an excess of such provision in the area; and
2. There is no longer a requirement for that type of open space in the area; and
3. The site would not be suitable to provide an alternative type of Open Space for which there is a shortfall; or
4. It can be demonstrated that alternative provision can be made available that is of enhanced or equivalent community benefit in terms of its size, characteristics, location and accessibility.

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.

On reviewing the Open Space Assessment, whilst the site has access to an outdoor pitch, cemetery and amenity open space, it is noted that there is no Local Area of Play (LAP) or Local Equipped Area of Play within Four Crosses. Whilst no formal area of open space has been identified within the proposed scheme, Officers consider that this is capable of being secured through an appropriate legal agreement. Should Members be minded to grant consent, it is recommended that a S106 agreement be prepared to secure the provision and future maintenance of the open space provision on site in accordance with policy DM3 of the Powys LDP.

Cultural Heritage

Listed Buildings:

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission 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 general duty with regards to listed buildings in exercising planning functions is set out within Technical Advice Note 24: The Historic Environment. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in LDP Policy SP7.

The application site does lie in close proximity to three Grade II listed buildings, as outline in the Built Heritage report. The Powys Built Heritage Officer has been consulted on the application and concluded as follows;

"The current proposed layout is similar to the amended plan on the previous application and has retained City Lane as a footpath and included an area of open space adjacent to City House and Shop, and retaining City Lane as a visual separation. The existing arrangement of the house and post office on the junction of 2 former roads,- one of which will be a footpath as proposed would enable the boundary railings and walls to remain in situ in an original legible location. This would retain the current position of City House and shop and not incorporating this pair of listed buildings into a new housing development.

The public open space would separate the development from the listed building retaining the character. It is noted that the field will be developed, however much of Four Crosses has been developed where not previously developed, and it is considered that the listed City House and Shop (Cadw ID 8527 and Cadw ID 8528) are now read as part of the settlement of Four Crosses.

As such I would raise no objections to the proposal as submitted."

In light of the comments above it is considered that the proposed development would not harm the setting of nearby listed buildings.

Scheduled Monuments:

Technical Advice Note 24 confirms that the conservation of archaeological remains is a material consideration in determining a planning application. 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. In cases involving less significant archaeological remains, local planning authorities need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

Where development might reveal, disturb or destroy archaeological remains, it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed.

The application site is located within proximity of Offa's Dyke – a Scheduled Ancient Monument. In response to Cadw's comments of 4th June 2019, a revised archaeological assessment prepared by Clwyd-Powys Archaeological Trust has been submitted in support of this application which considers the impact of the proposed screen sound bund on the setting of scheduled monument which is to be located alongside the western boundary of the application site.

The bund will commence at the south western end of the application site where it is meets the line of Offa's Dyke. In order to reduce the impact of the proposed bund on the setting of the scheduled monument, it will initially measure approximately 2 metres in height increasing to some 5 metres in height circa 30 metres away. Whilst noting that the reduction in height of the proposed bund will provide a degree of mitigation, Cadw maintained its concern in relation to the bund commencing at the corner of the field in close proximity to the visible section of Offa's Dyke, suggesting that it is likely to be misconstrued as being the line of the Dyke (especially by walkers on the Offa' Dyke Path). This being particularly likely given the lack of visual evidence for the continuation of the Dyke on its original line and that the path has been previously diverted off the line of the Dyke.

The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. On the basis of the advice received, it is understood that the proposed bund could be misunderstood as being Offa's Dyke and will alter the way that the scheduled monument is experienced and appreciated. In concluding the archaeological assessment, Clwyd-Powys Archaeological Trust assessed the proposed bund as having a moderate/large and therefore significant impact on the setting of scheduled monument, a conclusion which is supported by Cadw resulting in a further objection to the proposal.

However, in their response Cadw advised that they consider that the proposal could be amended to an acceptable level if the 2m high, 30m long section of the bund was removed from the scheme and an acoustic fence installed instead. This would reduce the impact of the proposed development on the setting of the scheduled monument to a level that is not significant and therefore acceptable.

In line with the comments received from Cadw the agent has amended the plans to include a 2 metre high acoustic fence for 30 metres and the bund has been removed from this section.

As such it is considered that the development would not harm the setting of the scheduled monument and is considered to be in accordance with TAN24 and LDP Policy SP7.

<u>Ecology and Biodiversity</u>

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. In accordance with policy DM2, development proposals will only be permitted where they do not unacceptably adversely affect designated sites, protected species and their habitats together.

Planning Policy Wales (PPW) 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”. More recently, 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.

The application is accompanied by an Ecological Appraisal produced by Turnstone Ecology Ltd which assesses the potential of the development to impact any protected species presence or habitats of ecological value. Mitigation and avoidance measures are thereafter detailed within section 4 of the ecological survey report. In commenting on the submission, the County Ecologist has confirmed that the proposed development will not result in the loss of any features of ecological importance nor is it considered that the development will have a negative impact to biodiversity in the wider area.

In terms of biodiversity enhancement, whilst indicative, the submitted block plan indicates the implementation of new landscaping across the site which it is considered will offer enhancement opportunities at this location, proportionate to the development proposed. Further consideration will be given to landscaping at reserved matters stage.

On the basis of the information submitted and consultee comments, Officers do not consider that the proposed development will adversely affect protected species, habitats or biodiversity, compliant with policies SP7 and DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

<u>Residential Amenity</u>

LDP policy DM13 seeks to safeguard the amenities enjoyed by the occupants or users of nearby or proposed properties by reasons of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The application is accompanied by a Noise Impact Assessment which has been subject to review by Environmental Health. In commenting on the submission, Environmental Health are content that a bund and acoustic fence are utilised to mitigate the impact of the existing commercial units on the proposed dwellings. They consider that the submission details a suite of mitigation that will safeguard the future occupiers of the dwellings subject to conditions requiring detailed drawings and information being submitted at reserved matters stage.

As such it is considered that the proposed development is in accordance with policy DM13 of the Powys LDP.

Mineral Safeguarding

Mineral Safeguarding Areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal and these are shown on LDP Proposals Map. More specifically, policy DM8 seeks to ensure that mineral resources are not needlessly sterilised by other development, so that they may remain accessible to future generations in accordance with PPW and MTANs. Defining Mineral Safeguarding Areas carries no presumption that the mineral resources will be worked, merely that the location of the mineral is known. Rather, Mineral Safeguarding Areas should be considered as a form of constraint area to ensure that the presence of mineral resources is adequately and effectively considered in planning decisions.

Criterion 5 of DM8 states that non-mineral development proposals will only be permitted where it can be demonstrated by the developer that there is an over-riding need in the public interest for the development. As the LPA are content with the principle of development in terms of the need for affordable housing it is considered that the development is acceptable in terms of policy DM8. However the agent has also confirmed that a condition requiring any minerals found at the site to be utilised within the development would be acceptable. This is also in line with the LDP which states that proposals to reuse the mineral resource (for example sand and gravel) within the proposed development to minimise the need to import minerals over long distances would be supported

Recommendation

Having carefully considered the proposed development and notwithstanding the concerns expressed, Officers consider the principle of development to be acceptable. The LHMA evidences a proven need to deliver a greater supply of affordable housing across the County which is further supported by the Commons Housing Register.

Based upon the evidence accompanying the application, it is considered that the proposed housing reflects the housing need within Four Crosses, which given its Large Village status is considered to be a sustainable location. For the reasons indicated above, the proposal is considered to accord with planning policy, therefore the recommendation is one of consent subject to a S106 agreement, and the conditions detailed below.

Conditions:

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

carried out as approved.

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

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

4. The development shall be carried out in accordance with the following approved plans and documents;

   Location Plan RPP/TW-JOB23-01
   Traffic Report produced by SK Transport Planning dates 24th November 2017
   Noise Impact Assessment produced by Matrix dates 2nd February 2018
   Noise Levels within Gardens provides by Matrix dated 19th February 2018
   Archaeological Assessment produced by CPAT dated December 2017
   Design and Access Statement produced by Roger Parry and Partners dated May 2019
   Ecological Appraisal produced by Turnstone dated November 2017
   Archaeological Assessment produces by CPAT dated July 2020
   Noise Impact Assessment produced by Matrix dated 6th July 2020

5. A scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority at the same time as the matters referred to in condition 1 above. 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 (including no. of bedrooms) tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces; ii) the arrangements for the transfer of the affordable housing to an affordable housing provider; iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. The affordable 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 dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Details of the proposed acoustic barrier and bund shall be submitted to and approved in writing by the local planning authority at the same time as the matters referred to in condition 1 above.

8. Prior to any works being commenced on the development site, full engineering drawings for the access comprising: the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) shall be submitted to and approved in writing by the local planning authority.

9. Prior to any works being commenced on the development site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for details on the construction sequencing, the minimisation of disruption and in particular the protection of health and safety of highway users.

10. No other development shall commence until the 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 5.5 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 12 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 2.4 metres distant from the edge of the adjoining carriageway and 43 metres in each direction.

    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.

11. Upon formation of the visibility splays as detailed above (condition 9) the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

12. No other development works shall commence until all access works comprising the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) are completed to the written satisfaction of the planning authority.

13. 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 shall be submitted to the Local Planning Authority for approval. 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.

14. The development hereby permitted shall be undertaken strictly in accordance with the mitigation, avoidance and compensation measures regarding proposed and priority species identified in section 4 of the Ecological Appraisal report produced by Turnstone Ecology Ltd dated November 2017.

15. Prior to the commencement of development a Reasonable Avoidance Method Statement regarding Reptiles 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.

16. Prior to the commencement of development a Reasonable Avoidance Method Statement regarding Badgers 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.

17. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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.

18. Prior to commencement of development a detailed Compensation Hedgerow Planting Plan 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.

19. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration 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.

20. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: i) A statement setting out the design objectives and how these will be delivered; ii) earthworks showing existing and

proposed finished levels or contours; iii) means of enclosure and retaining structures; iv) other vehicle and pedestrian access and circulation areas; v) hard surfacing materials; vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and vi) water features. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation and management programme (including phasing of work).

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 adherence to the approved plans.

5. To ensure that affordable housing is secured in accordance with polices SP3 and H6 of the Powys Local Development Plan (2018) and Affordable Housing SPG (2018).

6. To ensure that affordable housing is secured in accordance with polices SP3 and H6 of the Powys Local Development Plan (2018) and Affordable Housing SPG (2018).

7. In the interest of the amenity of future occupiers of the development in accordance with policy DM13 of the Powys Local Development Plan.

8. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

9. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

10. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

11. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

12. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

13. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development in accordance with policy SP7 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2017) and Planning Policy Wales (2021).

14. 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 (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

15. 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 (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

16. 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 (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

17. 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 (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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19. 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 (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

20. 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 (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informatives

Land Drainage

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.

Please contact the SAB Team on 01597 826000 or via email 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-DrainageApproval-Body-SAB