



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

**Application Number:** 21/0658/FUL      **Grid Ref:** E: 278940  
N: 210859  
**Community Council:** Ystradgynlais Community      **Valid Date:** 10.05.2021

**Applicant:** Fieldbay Ltd

**Location:** Land at Yr Ysgol, Ystradgynlais, SA9 1LQ.

**Proposal:** Proposed development of 4 no. supported living bungalows, 1 no. staff pod and associated works

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has requested that the above application be determined before Members of the Planning Committee due to concerns raised by local residents on highway and flooding matters.

### Consultee Responses

#### Consultee

#### Received

Coal Authority

21st May 2021

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal

Authority to be consulted.

PCC-Contaminated Land Officer

17th Jun 2021

Advice

1. Records identify that the application site is located in a former coal mining area, and falls within a Coal Authority defined 'Development High and Low Risk Area'.

Coal seams and former mineworkings are a potential source of ground gas, which could present a potential risk to the proposed dwelling. It is recommended that the Coal Authority be consulted for further advice.

2. As advised under section 6 'Distinctive and Natural Places', of the Welsh Government 'Planning Policy Wales' guidance document [para 6.9.28], the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or landowner.

Therefore, as the application site is located in a former coal mining area, we will recommend that the following conditions and note, to the applicant, are attached to any permission granted for planning application :

Ground Gas Condition

Condition 1. Specification and Verification Methodologies

The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2) specifications, as prescribed in BS8485:2015+A1:2019 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings', must be installed. A Verification Plan as described in Ciria C735 must be produced by an appropriately qualified person (as described in Ciria C735)

The specification and verification methodologies, for the installation of the ground gas protection measures, must be approved in writing, by the local planning authority, prior to the commencement of the development.

Condition 2. Installation of Approved Ground Gas Protection Measures

Following completion of the installation of the ground gas protection measures, a verification report, which is subject to the approval in writing of the local planning authority, must be produced prior to the occupancy of the development. The verification report contents must be agreed with the local planning authority before commencement

of the development.

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

PCC-(S) Highways

24th May 2021

This application includes the submission of a detailed parking assessment, which considers the off-street parking requirements for both the existing care home, and the proposed new units, against the requirements contained within the CSS Parking Standards.

Whilst the proposed development would lead to the loss of an element of the current on-site parking provision, the resultant evaluation clearly demonstrates that sufficient capacity would be retained within the site to adequately serve both the existing care home and the new dwellings, when considered against the requirements contained within the CSS Wales Parking Standards 2014. The layout also provides sufficient turning space to allow a large rigid vehicle to turn within the site.

In consideration of the above, the HA has no objection to the proposal.

Welsh Water

8th Jun 2021

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

CROSSING

We advise that the proposed development site is crossed by an abandoned public 26 inch water main with the approximate position being marked on the attached Water Plan. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the proposed block plan it appears the proposed development

would be situated within the protection zone of the public sewer measured 8.5 metres either side of the centreline of the main. It may be possible to divert the public water main if the developer applies under Section 185 of the Water Industry Act. However, you may be able to formally abandon this main upon applying to Welsh Water and request you contact us to discuss this matter further. Alternatively, we recommend the proposed development is repositioned to accommodate for the required protection zone.

## SEWERAGE

With regards to foul water we have no objection in terms of capacity concerns, however advise that any existing drainage shall be utilised where possible to avoid the need to make any new connections to the public sewerage system.

### Surface Water Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### Conditions

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it

is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Environmental Protection

19th May 2021

Having looked at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would recommend that during the landscaping and construction period working hours and delivery times be restricted as follows:

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

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

Natural Resources Wales (Mid Wales)  
DPAS

2nd Jul 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 08/06/2021.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk and foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement 1 - Written confirmation from the Local Planning Authority that this proposal is being considered despite the direction in TAN15 that it should not be permitted.

Requirement 2 - Confirmation of the proposed method of foul drainage disposal, to confirm whether the arrangement is suitable for the development.

#### Flood Risk

The planning application proposes highly vulnerable development in the form of residential dwellings. Our Flood Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability of fluvial flooding outlines of the Afon Tawe. A Flood Consequences Assessment (FCA) has been provided with the consultation, titled 'Land at Yr Ysgol Care Home Flood Consequences Assessment' by JBA Consulting, Version 1, dated March 2021.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development and emergency services should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development or emergency services in Zone C2. Requirement 1 - Written confirmation from the Local Planning Authority that this proposal is being considered despite the direction in TAN15 that it should not be permitted.

In the first instance, your Authority should make a planning policy decision on the application. Therefore, unless we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting planning permission, despite the site's location within Zone C2, we do not intend to provide detailed comments on the submitted flood consequences assessment (FCA) and we would advise that your Authority should refuse the planning application on planning policy grounds.

Please could you therefore notify us if you believe there are overriding reasons to consider granting permission and afford us reasonable time to review any FCA.

If we receive confirmation from your Authority that the proposal is to be considered

proposal, we would advise that the FCA is based on modelling, carried out for a separate application, that has not been fully reviewed.

The modelling and FCA for the previous separate application were accepted as appropriate in that instance, despite some issues being detected, because the site was already largely outside of the published flood extent.

The current site is wholly within zone C2 and therefore for the findings of this FCA to be accepted a more rigorous model review will be required to determine that it provides appropriate evidence for this particular proposal and considers all relevant scenarios including blockage of in-channel structures, as required by TAN15. The findings of any more detailed model review may also require the FCA to be revised.

### Foul Drainage

No information has been submitted regarding the disposal of foul waters from the proposed development.

Requirement 2 - Confirmation of the proposed method of foul drainage disposal, to confirm whether the arrangement is suitable for the development.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having considered the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note the proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- o Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- o Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- o Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- o Demonstrate that it is not reasonable to connect to the public foul sewer.

o Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

The Applicant should also be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the

Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Please note, lack of capacity or plans to improve capacity in the sewer is not a valid



reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

### Protected Species

No surveys on protected species has been provided to us with the consultation. We therefore assume your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present. Should an ecological report be available which shows evidence of protected species using the proposal location, we would wish to be re-consulted.

### Other Matters

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

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

UPDATED 24/09/21, NRW

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 28/07/2021, and for allowing more time for us to respond.

Further to our previous letter referenced CAS-153789-S9Q2 dated 02/07/2021, we have the following advice to provide.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk and foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement 1 - A revised Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level

### Flood Risk

The planning application proposes highly vulnerable development in the form of residential dwellings. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year)/ 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Afon Tawe River.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2

Notwithstanding this policy position, we have reviewed the Flood Consequences Assessment (FCA) (titled 'Land at Yr Ysgol Care Home Flood Consequences Assessment'

by JBA Consulting, Version 1, dated March 2021) to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15. Our advice is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15. The FCA must be revised to consider the following points:

1. The submitted FCA is not acceptable as it is based on modelling carried out for a separate application. The modelling and FCA for the previous separate application was accepted as appropriate in that instance, despite some issues being detected, as the site was already largely outside of the published flood extent. The current site is wholly within zone C2 and therefore a more rigorous model review will be required to determine that it provides appropriate evidence for this particular proposal and considers all relevant scenarios including blockage of in-channel structures, as

required by TAN15. The findings of a detailed model review may also require the FCA to be revised.

2. We do not accept the comments contained within section 3.3 DAM Zoning, stating that 'the current DAM classification is inaccurate and not based upon best available data'. If the applicant can provide evidence to support their comment, we ask that they submit it as part of the revised FCA.

Should you consider granting planning permission contrary to policy, the Applicant should be required to submit a revised FCA prior to determination of the application. We can then advise you whether the revised FCA is in accordance with the technical criteria in Appendix 1 of TAN15. If no further information is submitted, or the revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

Notwithstanding the above advice, please be aware that TAN 15 and the Development Advice Map (published in 2004) are being replaced. The new TAN 15 and Flood Map for Planning will be available from 28th September 2021 to allow local planning authorities, developers, planning consultees and the public to prepare for when they come into force. The changes will then come into effect on Wednesday 1 December 2021 and from this date onwards, applications will be determined based on the new TAN 15 and Flood Map for Planning. We therefore advise you to consider how this change may affect your determination of this application. Should you require further advice from us once the new TAN 15 has been published, please reconsult us.

#### Foul Drainage

Requirement 2 of our previous letter sought confirmation on the proposed foul drainage method. Your email of 28/07/2021 16:02 states the proposal will be connected to the mains

sewer in the area. The Applicant must discuss a connection with the public mains sewer operator.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do

not rule out the potential for the proposed development to affect other interests.

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

If you have any queries on the above, please do not hesitate to contact us.

Ward Councillor

8th Jun 2021

I have received numerous contacts expressing concern and objections regarding Highway matters relating to application 21/0658/FUL, Yr Ysgol, Ystradgynlais. There have also been questions about the extent of the C2 flood zone relating to the River Tawe and its consequences for the proposed development. Therefore, on behalf of local residents, can I ask for the application to be considered by committee i.e. 'called-in'.

Natural Resources Wales (Mid Wales)  
DPAS

22nd Jun 2022

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

## Flood Risk

We have reviewed the Flood Consequences Assessment (FCA) (titled 'Land at Yr Ysgol Care Home Flood Consequences Assessment' by JBA Consulting, Version 1, dated March

2021). The consultants, JBA Consulting, have acquired NRW's model of Ystradgynlais (which was produced in 2012 by Arup for the Ystradgynlais FAS) and made several changes.

Before we can provide conclusive advice on this proposal, we have the following comments/queries which must be addressed;

- o The model has not been run for any blockage scenarios. It is noted there are 2 bridges near the site : the A4067 road bridge over the Afon Giedd and a footbridge over the Afon Tawe. The model does not address the likelihood (or not) of these becoming blocked.

- o The flow estimates for the Afon Giedd are substantially lower than in previous models. Further review of the hydrology shows the peak flow estimates are not acceptable. The assumption that the entirety of the flow in the upper Giedd enters the sinkhole at Sinc y Giedd and re-emerges in Dan yr Ogof does not seem valid in high flows. We would recommend running the model with a number of different scenarios, looking at different proportions of the flow entering the sinkhole. Given the proximity of the site of interest to the confluence of the Giedd and the Tawe, this could make a significant difference.

- o We query the application of the QMED adjustment factor from donor gauges. Whilst the approach used is in line with general best practise, all local gauges show an adjustment factor of between 1.15 and 1.3, and so it would seem logical to consider that the adjustment at the sites of interest should also be within this range. The

applied adjustment factor would seem to result in an underestimation of QMED. We recommend adopting a more precautionary approach by using the factor from Twrch @ Gurnos (059S0405W) without the distance factor applied - ie. an adjustment factor of 1.2.

o The new model suggests the site is not at risk in both the Q100CC and Q1000 events whereas previous modelling suggests it is at risk. It is considered this is due to the reduction in flow estimates, which as per our previous comment, we believe the flow estimates are not acceptable, and so we do not accept that the site is not at risk of flooding in the above events.

We request our above concerns are addressed and an updated model submitted for review. We will then be able to offer an informed response regarding flood risk to the development and surrounding area.

Natural Resources Wales (Mid Wales)  
DPAS

13th Sep 2022

We have no objection to the proposed development as submitted and provide the following advice.

#### Flood Risk

The planning application proposes highly vulnerable development - residential development. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 of the River flood event.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in

paragraph 6.2 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we have reviewed the Flood Consequences

Assessment (FCA) titled 'Land at Yr Ysgol Care Home Flood Consequence Assessment', version 2 dated February 2022 by JBA Consulting, submitted in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

The FCA has challenged NRW's flood map designations at this location. The flood challenge methodology has been assessed by NRW's flood modelling team. The FCA concludes that the site is not located in the C2 flood zone. NRW's flood modelling team agree with this outcome, and as such, we have no further advice to provide.

#### Other Matters

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

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

#### Representations

Six letters of public representation have been received at the time of writing this report. The letters raise concern over the following points:

- Concerns over increased parking surrounding properties at Oddfellows
- Concern over pedestrian access to nearby properties
- Loss of privacy
- Noise
- Light pollution
- Future use of the property
- Concern over former coal workings within the area

#### Principal Planning Constraints

Coal Authority  
LDP Development Boundaries  
B Floodzone

Coal bearing strata at surface  
Ystradgynlais Area/ Ardal Yst  
ALV

**Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12 TAN15	Design Development and Flood Risk		National Policy National Policy
TAN23	Economic Development		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM5	Development and Flood Risk		Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
H1	Housing Development Proposals		Local Development Plan 2011-2026
H3	Housing Delivery		Local Development



		Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026

### **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 within the Community Council for Ystradgynlais within the existing curtilage of the former school building which now forms a care home known as Yr Ysgol.

Consent is sought for 4no. supported living bungalows and a staff pod. The proposed bungalows will be attached forming a terrace and in total the building housing the 4 units will measure 30 metres in length by 8 metres in width reaching a height of 5.4 metres.

The proposed staff pod will measure approximately 7.5 metres in length, 3.8 metres in width and 3.8 metres in height.

## Principle of Development

The application site is located within the settlement development limit for Ystradgynlais and therefore the principle of residential development within this area in principle is considered to be acceptable in accordance with policy H1 of the LDP subject to the following material planning considerations.

## Design and External Appearance

Siting, appearance, integration, scale, height, massing and design detailing are all key matters in determining such applications and must be given careful consideration in accordance with Policy DM13 of the LDP.

The four bungalows for supported living bungalows are to be provided to the rear of the former Yr Ysgol which has since been converted to a care home.

Whilst situated in an area of predominately two storey properties, given the design and positioning of the bungalows it is not considered that the introduction of bungalows within the surrounding area would not be detrimental to the character of the surrounding area.

The bungalows will be constructed using smooth red brick, stonework and fibre cement dark grey roof tiles the materials match and complement those contained within the existing former school building, the positioning and materials used will therefore effectively grouping the buildings together.

The proposed staff pod would also be single storey in scale and use materials to complement the development site. The building is located to the rear of the main building and therefore effectively grouped with other buildings within the site.

The design and materials used throughout the development are therefore considered to be acceptable in accordance with relevant planning policy.

## Highway Safety

Concerns have been raised over the level of parking and the development increasing parking elsewhere surrounding the site. It is noted through the proposed plans that sufficient parking for both the care home and the proposed 4no bungalows has been provided on site as confirmed by highway officers. Given that sufficient parking is therefore provided on site, adjoining the proposed properties it is not considered that occupiers/visitors would seek out elsewhere to park.

Concerns has also been raised over a pedestrian access to nearby residents along Oddfellow street and behind their properties. No pedestrian access is proposed to these

areas and a condition will provide clarification to confirm that no consent is granted for such access.

In light of the concerns raised and comments received from the Highway Authority confirming that parking on site is provided in line with guidelines it is therefore considered that parking to the site can be adequately provided.

### Flood Zone

A Flood Consequence Assessment (FCA) has been submitted to NRW challenging their flood mapping which currently identified that application site as being within a C2 floodzone. The FCA concluded that the application site was not located within the C2 floodzone.

NRW's flood modelling team have reviewed the information and agreed with the outcome of the challenge and NRW has subsequently removed their objection to the proposed development.

Based on this challenge being accepted by NRW, it is therefore noted that the site subject to the 4no bungalows is therefore not at risk of flooding and no objection has been received from NRW.

### Biodiversity

Policy DM2 of the LDP 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. This is further emphasised within TAN5 (Nature Conservation and Planning).

The area subject to this application site is currently an existing parking/hardcored area and therefore of limited ecological value. Trees surrounding the perimeter of the site are to be retained. No further ecological information is therefore required for the determination of the application.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, a Local Authority is required to maintain and enhance biodiversity through all its functions – this includes the planning process. As part of the application, biodiversity enhancements have not been directly proposed.

The proposed plans indicate a swift and bat box to be installed on the external elevations of the property. A condition will secure their installation prior to first use.

### Public Representations

Concerns have been raised from public representations. Whilst a number of the

concerns have been addressed within the above appraisal, the remaining concerns can be addressed as follows:

- *Lighting*

4no of wall lights are proposed above each entrance door, under the porch canopies proposed as well as some low-level lighting on the ground. Given their location and scale it is not considered that their provision would adversely affect the amenities of neighbouring residential properties as they are directed downwards away from nearby residential properties.

- *Risk associated with Land Contamination*

Contaminated land conditions will be attached to any decision granted to ensure appropriate investigation, and remediation of the site should any concerns be found.

Subject to the conditions it is therefore considered that the proposed development could be managed to an acceptable level.

- *Neighbouring Amenity*

Concerns have been raised over loss of privacy to the rear gardens to nearby residential properties. The proposed dwellings are bungalows with a new fence proposed adjoining to the existing hedgerow boundary. Along with the proposed and existing boundary detail it is noted that there are also some ancillary buildings from neighbouring properties between structures. It is considered that the proposed development given its scale, position and boundary treatments would not detrimentally impact neighbouring properties through loss of privacy or light. A condition will however be attached to ensure hours of construction are secured.

## **RECOMMENDATION**

In light of the above, it is considered that the amenity impacts and concerns raised can be satisfactorily addressed and the recommendation is therefore one of conditional consent.

### **Conditions**

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents PL01, PL02, PL03, PL04, PL05 Rev A, PL06, SL01.
- 3 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to

human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

4 The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2) specifications, as prescribed in BS8485:2015+A1:2019 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings', must be installed. Appropriately qualified personnel as described in Ciria C735 must verify the installation and qualify the installer. The specification and verification methodologies, for the installation of the ground gas protection measures, must be provided in a Verification Plan (as described in Ciria C735) that is part of the Remediation Strategy and must be approved in writing, by the local planning authority, prior to the commencement of the development.

5 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 (and the installation/verification of the ground gas protection measures) 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).

6 A monitoring and maintenance scheme to include monitoring the long-term

effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

7 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.

9 All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:  
0800 - 1800 hrs Monday to Friday  
0800 - 1300 hrs Saturday  
At no time on Sunday and Bank Holidays  
Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

10 The biodiversity enhancements as shown on drawing PL04 shall be implemented and available for use prior to the first use of the buildings hereby approved and shall be maintained as such in perpetuity.

11 Notwithstanding the approved plans no consent is hereby granted for any pedestrian access along the southern boundary of the application site onto the unclassified highway the U0904.

## **Reasons**

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in

accordance with policy DM10 of the adopted Local Development Plan (2018).

4 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan (2018).

5 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan (2018).

6 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan (2018).

7 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8 In order to control the development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (2021).

9 In order to control the development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (2021).

10 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 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

11 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.