

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 22/1956/REM

Grid Ref: E: 327554
N: 293963

Community Council: Churchstoke Community

Valid Date: 17.11.2022

Applicant: Powys County Council

Location: Development At Land Adjoining Fir House, Churchstoke, Montgomery, Powys,

Proposal: Section 73 application to vary condition 2 of planning permission 19/1798/REM (residential development of up to 45 dwellings) to allow an extension of time to submit a reserved matters application

Application Type: Removal or Variation of Condition

The reason for Committee determination

Major planning application by Powys County Council.

Consultee Responses

Consultee

Received

Cadw - SAM

No comments received at the time of writing this report.

CPAT

No comments received at the time of writing this report.

Community Council

23rd Dec 2022

Noted - no further comment

PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor

No comments received at the time of writing this report.

The Highway Authority do not object to the proposed application, but wish to remind the applicant that the conditions attached to 19/1798/REM are still relevant.

We have no additional comment to make at this time, and just wish to request the following has been applied to the application, and that we are consulted again when drainage proposals are available for commenting:

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Hafren Dyfrdwy advise that there is a public foul 150mm sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

100mm to 299mm diameter - 3m either side of the pipe, measured from the centreline of the sewer.

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

NOTE: we would not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative arrangements.

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

PCC-Ecologist

12th Dec 2022

Conditions 24,25,26,27 and 28 of approval 19/1798/REM remain valid. No protected or priority species or habitats are recorded from the site since the previous application.

Having reviewed 2020 aerial images and May 2021 Streetview images the general condition of the site appears to be unchanged from previous site assessment in 2016. The site remains as improved grassland subject to sheep grazing, which is of relatively low ecological value. The modern agricultural shed was confirmed in 2016 as having negligible potential to support roosting bats due to its design and the construction materials used. A semi-mature oak located in the field near the shed should be reinspected to confirm that it remains unsuitable for roosting bats. A preliminary assessment of potential roost features can be undertaken at any time of year by a suitably qualified ecologist and it's easier during winter months while the tree is not in leaf. Alternatively, a set of clear photographs of the trunk and limbs of the tree showing each aspect of the tree can be provided to determine if a more detailed assessment will be required. Photographs or an updated bat roost assessment will be required prior to determination of the application.

Additional Consultation Response

15th Mar 2023

I've reviewed the updated Preliminary Roost Assessment – Update Report, by CWIC, dated February 2023, which confirmed that the agricultural building on site still provides negligible potential for roosting bats. Following detailed inspection of the tree a potential bat roost feature was identified but found not to support a current or historic bat roost and so doesn't provide a constraint to development. In recognition of the loss of a potential future roost site it was recommended that a minimum of two bat boxes are installed as compensation. This information could be included within the Ecological Enhancement Plan required by condition 26 of 19/1798/REM. Therefore, it's recommended that condition 26 is amended accordingly and attached to any consent should you be minded to grant permission:

Prior to commencement of development, a detailed Ecological Enhancement and Compensation Plan, Lighting Plan and Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

As previously mentioned, conditions 24,25, 27 and 28 also remain valid.

Natural Resources Wales (Mid Wales)
DPAS

12th Dec 2022

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 28th November 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 European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Conditions 24 - 27 of the outline permission (19/1798/REM) were based on ecological surveys undertaken for the original outline permission (P/2016/0721) issued on 12 January 2017. These surveys are now considered out of date. We recommend you seek the advice of your in-house ecologist to determine the scope of surveys required to support this application.

We note condition 28 (19/1798/REM) requires a Pollution Prevention Plan to be submitted prior to commencement. We advise that a Construction Environmental Management Plan should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Condition

No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- o Construction methods: details of materials, how waste generated will be managed;
- o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- o Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.

- o Soil Management: details of topsoil strip, storage and amelioration for re-use.

- o CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

- o Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures;

measures to control light spill and the conservation of dark skies.

- o Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use of Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

- o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

- o Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

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.

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Environmental Protection

15th Dec 2022

Environmental Protection has no objection to the application.

PCC-Outdoor Leisure & Recreation
(North)

28th Nov 2022

Powys County Council's Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP & LEAP planning arrangements included in the Six Acre Standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance (TBC), then the Countryside & Outdoor Recreation Service would seek a monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest on this occasion because PCC has not got any play facilities in the area, if any 106 contributions for play is available, then the offer should go to Churchstoke Community Council, who own and maintain the nearest public play facilities.

PCC-Schools Service

No comments received at the time of writing this report.

PCC-(N) Land Drainage

5th Dec 2022

PCC Land Drainage have no comments to make on this application at this time.

Mid & West Wales Fire & Rescue Authority

28th Nov 2022

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development ;

- o The Fire Authority has no comment to make on access for fire appliances or water supplies.
- o the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

PCC-Contaminated Land Officer

No comments received at the time of writing this report.

PCC-Affordable Housing Officer

No comments received at the time of writing this report.

Representations

A site notice was displayed on 01/12/2022, no public representations have been received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
P/2016/0721	Outline (some matters reserved) Development of up to 45 dwellings and associated works to include demolition of existing building	Consent	12th Jan 2017
19/1798/REM	Section 73 application to vary condition no. 2 attached to outline approval P/2016/0721 for up to 45 dwellings to allow extension of time for further 3 years to submit reserved matters application	Approve	22nd Jan 2020

Principal Planning Constraints

Historic Landscapes Register	Vale of Montgomery
LDP Development Boundaries	Churchstoke/ Yr Ystog
LDP Residential Allocations	Land west of Fir House
Within a distance of 2km	Roundton Hill Fort
Mineral Safeguarding Cat 2	

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy

TAN18	Transport	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026

H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	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

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 area of Churchstoke and also within the settlement development boundary of Churchstoke which is defined as a large village by the Powys Local Development Plan (2018). The application site relates to LDP Residential Allocation: Land west of Fir House P12 HA1.

The application in which this Section 73 seeks to extend the time of is in outline form for the development of up to 45 dwellings with a range of dwelling types. The development would also include new adoptable roads providing access, as well as surface water and foul drainage provision. The applicant proposes that 20% of the new dwellings will be affordable and a pedestrian link is proposed from Wilber House to the industrial access at Harry Tuffins.

Principle of Development

The current application is seeking a renewal of planning consent 19/1798/REM which previously extended the timeframe for the submission of a reserved matter application in respect of outline planning permission P/2016/0721.

The initial renewal by way of a Section 73 application referenced 19/1798/REM was granted consent by planning committee on 16/01/2020. The consent gave outline planning approval for 45 dwellings with the current application seeking to extend the time period for the submission of the reserved matters. The original application was an allocated housing site within the Powys Unitary Development Plan which has also been carried forward as a residential allocation within the Local Development Plan, referenced P12 HA1.

In terms of renewals of planning permissions, paragraph 5.21 of Welsh Government Circular 016/2014 states:

'Planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the 1990 Act. As a general rule, such applications should only be refused where:

- there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);
- continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- the application is premature because the permission still has a reasonable time to run'.

Dealing with the latter two points initially, this is the second application for renewal on this site and will allow a further three years for the submission of reserved matters. It is not considered that a failure to begin the development will contribute to uncertainty about the future pattern of development in the area. In addition, in accordance with the original approval, the submission of reserved matters must be received by the 09.01.2023 in order to be valid. The application is therefore not considered to be premature.

In considering the planning circumstances, as noted above, the site was previously an allocated housing site within the Powys Unitary Development Plan. Since the granting of the outline consent, the current development plan for Powys, the Local Development Plan (LDP), has been adopted and the site remains as allocated for housing.

The LDP has brought forward density requirements for housing schemes and requires 27+ units per hectares in Town and Large Villages. Churchstoke is a Large Village and the scheme will equate to 33.5 dwellings per hectare (based on a site area of 1.34 which excludes the footpath link) and thus the development remains compliant with policy H4 of the LDP. In addition, the original scheme included a 20% provision of affordable housing. Under policy H5 of the LDP the target contribution for affordable housing in the Severn

Page 90 Valley, in which Churchstoke is located, remains at 20% and so this need not be altered in order to comply with the current development plan. At a national level, edition 11 of Planning Policy Wales has been brought into force since the original approval, however, although a material consideration for the purposes of this development, it has not brought forward changes that would lead to a decision different to that which was made under P/2016/0721.

Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

An updated Preliminary Roost Assessment – Update Report, by CWIC, dated February 2023 has been submitted upon request by the PCC Ecologist which confirmed that the agricultural building on site still provides negligible potential for roosting bats. Following detailed inspection of the tree a potential bat roost feature was identified but found not to support a current or historic bat roost and so does not provide a constraint to development.

In recognition of the loss of a potential future roost site it was recommended that a minimum of two bat boxes are installed as compensation. This information could be included within the Ecological Enhancement Plan required by condition 26 of 19/1798/REM. Therefore, it is recommended that condition 26 is amended accordingly and attached to any consent should you be minded to grant permission:

Prior to commencement of development, a detailed Ecological Enhancement and Compensation Plan, Lighting Plan and Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Conditions 24,25, 27 and 28 at the previous consent also remain valid and will therefore be required to be attached to any planning consent.

Natural Resources Wales have also been consulted on the proposed development and have requested a condition in respect of a Construction Environmental Management Plan be attached to any granting of planning permission. Given the nature of the proposed development the condition requested is considered reasonable will be attached to any granting of planning.

RECOMMENDATION

Having considered the proposed development, it is accepted that it remains compliant with the Development Plan and national planning policy and as such it is recommended for approval subject to the same conditions as those attached to the previous consent as set out below.

Conditions

1. Details of the layout, appearance, landscaping 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. No development shall commence until full engineering details and drawings for the planned flood risk mitigation works and watercourse maintenance strip have been submitted and approved in writing by the Local Planning Authority. These details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the flood risk mitigation works throughout its lifetime. These flood risk mitigation works shall be operational prior to first occupation of any dwelling.
5. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.
6. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 9 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
8. Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas 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.
9. Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

10. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom (maximum 3) excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

11. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

12. Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

13. Any internal side-road junctions shall have a corner radii of 6 metres.

14. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

15. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

16. Prior to the occupation of the development a 2.0 metre wide footpath shall be provided as detailed on the approved plan P6947-3/P01/003 A and shall be retained at for as long as the development hereby permitted remains in existence.

17. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

18. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

19. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

20. Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

21. Upon formation of the visibility splays as detailed in condition 8 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.

22. The area of each private drive and any turning area is to be metalled and surfaced in

bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

24. The recommendations (page 28 & 29 of the extended phase 1 habitat survey report) regarding Hedgerows (paragraphs 11.1 and 11.2) Birds (11.4), lights (11.3), Pollution prevention plan (11.5) and Ecological enhancement (11.6) of the Ecological Report by Rachel Price dated 04/07/16 shall be adhered to and implemented in full.

25. The mitigation regarding Reptiles on page 27 (paragraph 10.3) of the Extended Phase 1 habitat survey report by Rachel Price dated July 2016 shall be adhered to and implemented in full.

26. Prior to commencement of development, a detailed Ecological Enhancement and Compensation Plan, Lighting Plan and Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

27. The recommendations regarding Hedgerows and birds in Paragraph 8.4 of the 'Addendum Ecological Statement footway link to industrial access' produced for Powys County Council on 15/08/16 by Rachel Price shall be adhered to and implemented in full.

28. Prior to the commencement of development, a Pollution Prevention Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in full.

29. Any works relating to the construction of the development shall not take place outside the following hours: Mon-Fri 0800-2000 and Saturdays 0800-1300 with no working on Sundays or bank holidays.

30. Prior to the commencement of development a dust management plan shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented in full.

31. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems, • archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This 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. Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

32. 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, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 9 has been received from the Local Planning Authority.

33. 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. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

34. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 31, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 32, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 33.

35. 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'.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

37. Prior to the commencement of development, a scheme for the provision of recreational facilities to serve the development must be submitted to and approved in writing by the Local Planning Authority. The scheme must include the arrangements for the transfer of a contribution to Churchstoke Community Council for the provision of recreational facilities within the settlement of Churchstoke. The contribution shall accord with the following provisions: a) All social housing, size or number of bedrooms is not a factor - £ 800.00 per property. b) All private housing up to three bedrooms - £ 1000.00 per property. c) All private housing over three bedrooms - £ 1200.00 per property. The scheme must be implemented in accordance with the agreed details.

38. No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- o Construction methods: details of materials, how waste generated will be managed;
 - o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - o Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
 - o Soil Management: details of topsoil strip, storage and amelioration for re-use.
 - o CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - o Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures;
- measures to control light spill and the conservation of dark skies.
- o Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
 - o Traffic Management: details of site deliveries, plant on site, wheel wash facilities
 - o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

o Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

39. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. To ensure that the proposed development does not compromise the function of the existing waterbody and that any proposed alterations are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan (2018).

5. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan (2018).

6 to 15. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (2021).

16 & 17. To ensure that adequate provision is made for pedestrian access to serve the approved development in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (2018).

18 to 23. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (2021).

24 to 28. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

29 & 30. To safeguard residential amenity in accordance with policy DM13 of the Local Development Plan (2018)

31 to 35. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018)

36 & 37. In order to ensure the provision of planning obligations in accordance with policy DM1 of the Local Development Plan (2018) and the Council's Supplementary Planning Guidance – Planning Obligations (2018), as well as Planning Policy Wales

(2021).

38. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

39. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

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