

Pecyn Dogfennau Cyhoeddus

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod
Siambr y Cyngor – Neuadd y Sir

Dyddiad y Cyfarfod
Dydd Iau, 6 Chwefror 2020

Amser y Cyfarfod
12.45 pm

I gael rhagor o wybodaeth cysylltwch â
Carol Johnson
01597826206
carol.johnson@powys.gov.uk



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

Dyddiad Cyhoeddi

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

AGENDA

1.1. Diweddariadau

Bydd unrhyw Ddiweddariadau yn cael eu hychwanegu i'r Agenda, fel Pecyn Atodol, lle bynnag bo hynny'n bosibl, cyn y cyfarfod.
(Tudalennau 1 - 18)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

water also needs to be considered, however, this is the responsibility of the Lead Local Flood Authority (LLFA) at Powys County Council.

In view of the information provided by local residents, we have taken a precautionary approach to consideration of the potential flood risks associated with the proposed development, whilst seeking to ensure that our advice is proportionate and appropriate to the scale and type of development. Based on the information submitted to us and in consideration of the indicative site layout plan for this outline planning consent, we are satisfied fluvial flood risk can be acceptably managed through the implementation of the following mitigation measures, as per the advice in our letter dated 16/12/2019 (CAS-105647-H9P5):

- There must be no built development, ground raising or recontouring of land and no structures erected within the recognised flood risk areas i.e. the areas shown as DAM C2 on drawing CW 6081.03 B1. This is to protect future occupiers from flooding and ensure that there is no increase in flood risk elsewhere to third parties.
- Finished floor levels to be set 300mm above adjacent ground level, to provide an additional safeguard against flooding for future occupiers.
- Details of a 'buffer zone' between the built development and the boundary of the area shown as DAM C2 on drawing CW 6081.03 B1 to be agreed in writing with the LPA. The buffer zone is intended to provide an additional safeguard against flooding for future occupiers and to account for modelling 'uncertainty' by adopting a precautionary approach to the final layout of the built development.
- Details to be provided to ensure the long-term functioning (water storage and conveyancing) of Ditch C, to protect the development, its occupiers and third parties from any risks associated with the poor functioning of this ditch in the future.

We therefore ask that the above measures are secured as conditions on any planning permission your Authority is minded to grant, in addition to those conditions you have already recommended in your Committee report.

We hope the above is clear and provides the clarification you need. However, if you have any queries, please contact me.

RECOMMENDATION

In light of the above, whilst the concerns raised have been noted it is considered that the development can be managed to an acceptable level and therefore would not be

seen as having an unacceptable adverse impact on the character and appearance of the surrounding area.

Therefore, subject to the signing of a Section 106 agreement to secure the provision and management of the proposed open space it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

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

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

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

4 The development shall be carried out in accordance with the following approved plans and documents CW 6081.03 B1, 318-18-05 & 318-18-10.

5 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 10% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6 Development shall be completed in full accordance with the Surface Water Drainage Strategy (v2) report prepared by Sumner Consultancy Ltd which shall thereafter be implemented in full prior to the first use of any residential unit.

7 Prior to the commencement of development an Otter and Bat Reasonable Avoidance Measure Scheme (RAMS) shall be submitted to and approved in writing by the Local Planning Authority. The RAMS shall include (but not limited to): A site lighting plan and no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers/otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow badgers to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day. Development thereafter shall be completed in full accordance with the details as approved.

8 Prior to the commencement of development details of a fenced off buffer area (root protection area) separating the hedgerows and stream/ditch from the development site shall be submitted to and approved in writing by the Local Planning Authority. No machinery works shall be permitted within the buffer zone as approved and shall remain as approved for the perpetuity of the construction works.

9 Demolition or construction works shall not take place outside the hours of 07.30 to 18.00 Mondays to Fridays and 07.30 to 13.00 on Saturdays and at no time on Sundays or Public Holidays.

10 The Affordable Housing hereby approved and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

11 At the time of the submission of any reserved matters application the proposed layout shall accommodate the preservation of the Roman Road remains which runs parallel with the southern hedge boundary of the application site.

12 No permission is hereby granted for and there must remain at all times no built development/structures, ground raising or recontouring of land erected within the recognised flood risk areas as shown as DAM C2 on drawing No. CW 6081.03 B1.

13 Finished floor levels for all dwellings are to be set 300mm above adjacent ground level.

14 At the time of submission of any reserved matters details of a 'buffer zone' between the built development and the boundary of the area shown as DAM C2 on drawing CW 6081.03 B1 is to be agreed in writing with the Local Planning Authority. The buffer zone is intended to provide an additional safeguard against flooding for future occupiers and to account for modelling 'uncertainty' by adopting a precautionary approach to the final layout of the built development.

15 At the time of submission of any reserved matters details shall be provided to ensure the long-term functioning (water storage and conveyancing) of the grass swale on the eastern plot boundary (Ditch C) to protect the development, its occupiers and third parties from any risks associated with the poor functioning of this ditch in the future. Development thereafter shall be developed and completed in full accordance with the details as approved.

Reasons

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

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

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

4 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

5 To ensure that the dwellings remain affordable in perpetuity in line with policy H5 of the Local Development Plan, SPG Affordable Housing and Planning Policy Wales (2018).

6 To ensure a satisfactory development in accordance with policies DM5 and DM6 of the Local Development Plan (2018) and Planning Policy Wales (2018).

7 To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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9 To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and policy DM13 in relation to amenity and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act and Technical Advice Note 11 (Noise) 1997.

10 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 and to secure the scale of the affordable housing approved in accordance with policy H5 of the Powys Local Development Plan and Planning Policy Wales (2018).

11 To ensure an appropriate layout safeguarding the strategic asset as identified in accordance with policy SP7 of the Local Development Plan, Technical Advice Note 24 The Historic Environment and Planning Policy Wales (2018).

12 To protect future occupiers from flooding and ensure that there is no increase in flood risk elsewhere to third parties in accordance with Technical advice note (TAN) 15: development and flood risk, Planning Policy Wales (2018) and policies DM5 and DM6 of the Local Development Plan (2018).

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15 To protect future occupiers from flooding and ensure that there is no increase in flood risk elsewhere to third parties in accordance with Technical advice note (TAN) 15: development and flood risk, Planning Policy Wales (2018) and policies DM5 and DM6 of the Local Development Plan (2018).

Informative Notes

1 Waste

Any waste excavation material or building waste generated during the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgsand-replacement-series/guidance-for-pollution-prevention-gpps-full-list/> The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under Environmental Permitting Regulations 2017. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

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

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

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

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The proposed development is located within the grade II* registered historic park and garden at Llandrindod Wells Public Parks PGW (Po) 20(POW). The application does not acknowledge the registered status of the site. However, this is a relatively small, single storey extension, which in our view is unlikely to have an adverse impact on the significance of the registered park and garden.

Officer Appraisal

Ecology and Biodiversity

Following my original report to committee, further information has been received in respect of the proposed biodiversity enhancement (green roof). The applicant has chosen to provide further details of the proposed green roof prior to determination in order to negate the requirements for any condition to be placed upon any grant of consent.

The additional information received is considered to be appropriate and acceptable and therefore, officers consider there is no longer a requirement to attach a condition to any grant of consent to secure a detailed biodiversity enhancement plan. The details and information included will however be listed in condition 3 as set out below.

In light of the above, officers consider that condition 5 of the original report to members is no longer necessary and the proposal is considered to be in accordance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

Historic Park and Garden

Policy SP7 of the Powys Local Development Plan states proposals must not have an unacceptable adverse impact on the resources or asset and its operation. Strategic resources and assets in Powys include historic environment designations such as scheduled ancient monuments, listed buildings and historic parks and gardens. This policy seeks to safeguard these important assets from unacceptable development for the future well-being of the county.

Further to the original committee report, comments have now been received from CADW in response to this proposal. CADW have raised no objection to the proposed development stating that whilst the proposed development is located within the grade II* registered historic park and garden known as Llandrindod Wells Public Parks, the proposal is a relatively small single storey extension to the existing building which is considered unlikely to have an adverse impact upon the significance of the registered park and garden.

Given that the proposal forms an extension to the existing building which is relatively modest in scale and following comments received from CADW, officers consider that the proposed development will not have a significant adverse impact upon the registered historic park and garden and the amenity value given to it. In light of the above, the proposed development complies with policies SP7 and DM13 of the Powys Local Development Plan together with Technical Advice Note 24.

RECOMMENDATION

The recommendation is one of conditional consent subject to the conditions as set out in this update report.

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 (Location Plan, EX-AL01, EX-AL02, Email regarding materials from Avison Young dated 28/01/20, Email regarding green roof spec from Avison Young dated 29/01/2020, Proposed Green Roof System Written Statement Document Reference: AY/WS/05022020).
3. The biodiversity enhancement features detailed within the email regarding green roof dated 28/01/2020 from Avison Young, Email regarding green roof spec from Avison Young dated 29/01/2020, plan no. EX-AL02 and Proposed Green Roof System Written Statement Document Reference: AY/WS/05022020 produced by Avison Young received 05/02/2020, shall be fully implemented prior to the first use of the extension hereby approved and retained as such thereafter.
4. No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

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 comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Informative Notes

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

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