

## **APPENDIX 2.iii**

### **Hearing Session 14 – Alternative Sites 3 Action Point 3**

**Details of the approved commercial / residential planning permission adjacent to ASN39, Three Cocks.**



## Town and Country Planning Act 1990

### Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

#### Application P/2016/0786 for OUTLINE Planning Permission

**Agent:**

AB Planning  
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High Street  
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Powys NP8 1BW

**Applicant:** Mr & Mrs ID & KM Griffiths Three Cocks Brecon

In pursuance of its powers under the above-mentioned Act and Order Powys County Council (hereinafter called "the Council") as local planning authority hereby gives you notice that **OUTLINE Planning Permission** is **GRANTED** for the following development, namely:-

**Outline: Erection of residential and commercial development including 39 dwellings (indicative) including affordable housing and associated infrastructure at Land at Three Cocks Brecon**

In accordance with the application and plan submitted to the Council on 28/07/2016 subject to the conditions specified hereunder:-

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 strictly in accordance with the documents (Design and Access Statement and Phase 1/Preliminary Ecological Survey) and plans (Site Location Plan/Ownership Plan and Proposed Site Layout) received 28th July 2016 and stamped as approved.
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 30% 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. Prior to the commencement of development a phasing scheme for the provision of housing, affordable housing and the employment land shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

7. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

8. No development shall commence until a scheme, including an implementation scheme, for the connection with the public foul sewerage system has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

9. Prior to the commencement of development a Construction Method Statement, to include details of the control of noise and dust during the landscaping and construction phase, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

10. 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.

11. Prior to the first beneficial use of the development hereby permitted a scheme for the management of noise (to include operating and opening hours) shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be carried out in accordance with the approved details.

12. Prior to the commencement of development a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development.

13. The recommendations (page 15 &16 of the extended phase 1 habitat and ecological survey report by Europaeus Land Management Services (July 2016)) regarding habitat features and habitat enhancement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

14. Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan and Landscaping Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

15. The recommendations regarding bats identified in 4 of the Ecological Report by Europaeus Land Management Services (July 2016) shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

17. In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority.

18. Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

## **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 adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

5. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).

6. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).

7. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

8. 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 in accordance with Policy DC10 of the Powys Unitary Development Plan (2010).
9. To safeguard the amenity of residents in line with policy GP1 of the Powys Unitary Development Plan (2010).
10. To safeguard the amenity of residents in line with policy GP1 of the Powys Unitary Development Plan (2010).
11. To safeguard the amenity of residents in line with policy GP1 of the Powys Unitary Development Plan (2010).
12. In order to ensure adequate land drainage is provided in line with policy DC13 of the Powys Unitary Development Plan (2010).
13. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
14. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
15. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
16. To ensure that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2, ENV7 and EC1 of the Unitary Development Plan (2010).
17. 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 DC15 of the Powys Unitary Development Plan (2010).
18. 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 DC15 of the Powys Unitary Development Plan (2010).

## Notes

Environmental Health  
 During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

In order to comply with Condition 1 the scheme should comply with the guidance found in BS 5228 - 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.

With respect to Condition 2 regard should be had to the provisions of section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction sites.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link - <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

The date on which this permission is granted is 02/02/2017.



**Sue Bolter**  
**Pennaeth Adfywio, Eiddo a Chomisiynu /**  
**Head of Regeneration, Property & Commissioning**

## **NOTES**

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the National Assembly in accordance with Section 78 of the Town and Country Planning Act 1990. If the application is for householder development or minor commercial development you have 3 months to appeal, for any other applications or appeals against conditions you have 6 months to appeal. Appeals must be made on a form obtainable from the Planning Inspectorate, Cathays Park, Cardiff CF10 3NQ. The National Assembly has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The National Assembly is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. It does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by it.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the National Assembly, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the National Assembly on appeal or on a reference of the application to it. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. Failure to adhere to the details of the approved proposals for development contained in this application or to comply with any conditions or limitations subject to which this permission was granted will constitute a breach of planning control which may result in the local planning authority serving an enforcement notice requiring the breach to be remedied under Section 172 of the Town and Country Planning Act 1990.

**P/2016/0786**

**IMPORTANT – Please read carefully the notes below**

Failure to comply could make the development hereby permitted unauthorised.

- 1) This consent is granted in strict accordance with the approved plans:
  - a) **ANY VARIATION** from the approved plans after commencement of the development, irrelevant as to the degree of variation, will be constituted as unauthorised development and may be liable to enforcement action.
  - b) You or your agent or any other person responsible for implementing this permission should inform the Case Officer immediately of any proposed variation from the approved plans and you or they will be informed as to the best method to resolve the matter.
  
- 2) This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond:
  - a) If there is a condition that requires work to be carried out or matters to be approved prior to the commencement of the development this is called a “condition precedent”.
  - b) If a “condition precedent” is not complied with, the whole of the development will be unauthorised, you may be liable to enforcement action
  - c) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the breach is the submission of a new application.
  - d) If any other type of condition is breached then you will be liable to a Breach of Condition Notice.

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