

Powys County Council's Response to Consultation Comments on the Draft Bryn-y-groes Development Brief.

No.	Comments	Council's Response
1	<p>We welcome the fact that the draft brief strongly reflects the concerns of local residents as previously argued in numerous public consultations, public enquiry and at the recent event at Ysgol Cynlais.</p> <p>However, the report does not highlight clearly enough that these concerns were endorsed, and further concerns raised, by the inspector during the Public Enquiry. Peter Morris, speaking at a Board meeting, assured the members, that despite rejecting the inspector's recommendation not to include the allocation for housing development within the UDP, the inspector's concerns which reflected the concerns of the opposers would be prominent in the development brief e.g. Issues such as adequate screening, concerns re underground mining. Although such recommendations are included in the Draft Development Brief., they are not attributed to the Independent Inspector which would add weight to the Development Brief.</p> <p>We feel that there are two significant issues which need further highlighting:-</p>	<p>Whilst the Unitary Development Plan-making process has not been explained within the Development Brief, it was explained in newsletters about the preparation of the Brief prior to its publication.</p> <p>It may appear confusing to the reader to highlight the Inspector's comments without explaining the plan-making and Inquiry processes.</p> <p>The Council will therefore include the Inspector's comments and recommendation and the Council's reasons for not accepting the recommendation in an appendix to the brief and include the following sentence in Para 3.2;</p> <p><i>'The Bryn-y-groes site allocation B31 HA1 was considered in detail during a public Inquiry into the Powys UDP in 2006. The public inquiry Inspector's comments and recommendations regarding the site allocation and the Council's reasons for not accepting the Inspector's recommendation are included in Appendix D.'</i></p>
	<p>1. Access to the proposed allocation has always been sited at the haul road. One significant reason for favouring this allocation instead of replacement sites (in particular the Brecon Road allocation) recommended by the inspector was the availability of suitable access. The haul road has been discussed in detail at a Board Meeting, so there has never been any doubt as to the proposed access. However, a significant change has been proposed, with an access which is far closer to properties such as Pelican Street, Crown Cottages and Plas y Coed. This proposed alternate access is also more than 50% closer to the traffic lights – a significant development. Such a development should not go ahead without addressing the matter of access fully.</p>	<p>Access to the site allocation is not referenced in the Powys UDP. Only whether access to the site is achievable is considered at plan-making stage. Detailed access proposals are normally considered at planning application stage.</p> <p>The Council is currently processing an application for an access to the site from the A4067. It is not possible to refer to this access within the development brief unless the application is determined with consent granted.</p> <p>Full access details will be included within any</p>

	<p>subsequent design concept plans or planning applications to develop the site – both of which will be consulted on with the community as required in Section 6 of the Development Brief.</p>
<p>2. The proposed allocation at Bryn Groes has always been described as a “Housing” development, yet the Brief outlines significant changes in the form of small shops, community facilities and even a Public House (this proposed allocation is attached to a small village Cwmgiedd, locally known as Cwm yr Arglwydd / The Lord’s Valley due to the fact that it does not have nor want a Public House). During the consultation process, the Council has argued that the Proposed Allocation is sustainable, and highlighted the local facilities. The council has argued that the development is sustainable and that residents would be able to walk to Ystradgynlais to access the amenities (despite the Inspector’s concerns that the slope was significant enough to discourage people from doing so). It appears now that the Council has made a huge U-turn with regards to this development. Again such important changes cannot be made to a significant proposed development without proper and full consultation. The changes outlined will not only greatly affect existing local residents, but also have an impact on Ystradgynlais Town itself.</p>	<p>The Bryn-y-groes site has been allocated for housing within the Powys UDP. However, given the size and scale of the site, it is realistic to expect other land uses on a small scale to support the development of a sustainable community to be included.</p> <p>If such uses are proposed, proposals will be determined as part of the planning application process. Such proposals should also be highlighted to the community within the developer’s design concept/master plan consultation prior to the submission of any planning application.</p> <p>To provide further clarification in light of the comments raised, Para 5.8.10 will be amended to read as follows:</p> <p><i>‘In seeking to achieve a sustainable development, other small scale land uses may also be considered for inclusion on the site. For example:</i></p> <ul style="list-style-type: none"> • <i>Community Facilities</i> • <i>A small convenience type shop</i> • <i>A small scale food premises.’</i> <p>Paragraphs 5.2.1 and 7.5.3 highlight the need to integrate the new community with the existing and to enhance connectivity with the existing communities and specifically the Town centre. The Council continues to support and maintain this approach.</p>
<p>This controversial proposed development needs to be halted immediately, with full consideration given to the current school modernisation programme currently being undertaken in the Ystradgynlais area, the location of the new</p>	<p>The Council’s planning service has been fully engaged with the Council’s School modernisation programme, the Upper Swansea Valley Regeneration Study, and the</p>

	<p>schools being crucial to the sustainability of communities. Powys Authority also need to have a clear detailed co-ordinated plan with regards to the development and regeneration of Ystradgynlais area.</p>	<p>Welsh Assembly Government's work on the Western Valleys Strategic Regeneration Area.</p> <p>Section 6.3 clearly highlights that the Council may seek to negotiate an educational contribution through a Section 106 agreement/Planning Obligation where considered necessary.</p>
	<p>Could you please explain how business development can be allowed on a residential site, when the Council has rejected plans to change business land for housing development within Ystradgynlais Town itself?</p>	<p>It is unclear as to what the respondent is making reference to. The Bryn-y-groes site has temporary planning permission for three years for a tool hire business (Planning Application P/2008/0700). It is not clear which other site the respondent is referring to.</p>
2	<p><u>Brynygroes Development Brief - Interim Development Control Guidance UDP site Allocation B31 HA1 – Public Consultation</u></p> <p>For information the above development brief was subject to discussion at the Ystradgynlais Town Council meeting held on Thursday 2nd April 2009 and I have been instructed to respond to the development brief consultation as follows:</p> <p>Role of Ystradgynlais Town Council</p> <p>It is not accepted that the Ystradgynlais Town Council has been consulted in the preparation of the brief as suggested in the Introduction (Page 1 (0.5)) . Indeed the development brief has never at any stage been formally been issued to the Ystradgynlais Town Council.</p> <p><i>[It should be noted that the current Chairman of the Town Council is County Councillor John Steadman . However as Councillor Steadman is a member of Powys County Councils Planning Committee he does participate in planning matters discussed by the Town Council]</i></p>	<p>Comment noted.</p> <p>As this is not a planning application, the Council is not required to formally consult the Town Council. However, it is acknowledged that the Town Council should have been formally invited to comment on the Development Brief.</p> <p>Extensive community involvement including newsletters, an open evening have been widely advertised and distributed within the community of Cwmgiedd and the town of Ystradgynlais. Hard copies of the development brief were also made available for public viewing in the following locations:</p> <ul style="list-style-type: none"> • Ystradgynlais Library, • Hendreladus Office, • Neuadd Brycheiniog Office, • Communities First Office, • During the Upper Swansea Valley Regeneration

		<p>Study Open events,</p> <ul style="list-style-type: none"> • And the Council's website. <p>Having received these comments from the Town Council, the Council is satisfied that the Town Council has had adequate opportunity to comment on the preparation of the Development Brief.</p> <p>However, the Council will send the Town Council a copy of the final development brief when approved by the Council's Board and will also amend Paragraph 0.5 to read as follows:</p> <p><i>'This brief was prepared in consultation with Council services, the site owner, and the local member. Ystradgynlais Town Council also made comments on the draft Development brief during its public consultation.'</i></p>
	<p>Development Brief</p> <p>The development brief is regarded to be a very comprehensive document and appears to outline all the planning policies and issues relating to the proposed development and as a consequence is broadly acceptable to the Ystradgynlais Town Council as Interim Development Control Guidance. However this is subject to the following concerns.</p>	<p>Comments welcomed.</p>
	<p>Town Council reservations</p> <p>The fundamental issue of concern relating to this proposed development is that it is located on the opposite side of the town to the A 4067 and as a consequence the local facilities of Ystradgynlais - Constraints (Page 11) refers. This accordingly gives rise to site access and egress issues (Constraints / Connectivity 5.2) – in particular the highway access and pedestrian crossing points.</p> <p>The Ystradgynlais Town Council is therefore concerned that the development</p>	<p>Para 2.1.3 clearly identifies the current site access.</p> <p>Access to the site allocation is not referenced in the Powys UDP. Only whether access to the site is achievable is considered at plan-making stage. Detailed access proposals are normally considered at planning application stage.</p> <p>The Council is currently processing an application for an access to the site from the A4067. It is not possible to</p>

brief as presented may be materially altered even at this early stage by the developer's intention to pursue an alternative highway access to this site.[Section 7.1.1 refers to the undetermined planning application regarding an alternative access]

It is therefore recommended by the Ystradgynlais Town Council that the development brief therefore should remain firm on the access remaining as the existing highway for the following reasons:

- the landscape buffer indicated on page 12 would be severed ,
- the development of the main entrance as a gateway (5.5) would not be as effective.
- Four road junctions would exist on the busy A4067 highway within a very short distance which is considered unacceptable and contrary to the purpose of the road as a diversionary route to the Town of Ystradgynlais.
- An additional pedestrian crossing point to those currently existing would be required probably resulting in significant additional pedestrian usage of Oddfellow Street which would materially affect the privacy of the householders.

With regard to pedestrian access to the site there are concerns that the A4067 is not a highway whereby regular usage of a pelican or light controlled type of crossing is appropriate – the main function of the A 4067 is to divert traffic away from the Town Centre and the relative free flow of traffic along this route is a reasonable public expectation.

With 65 properties the development could house a population of over 150 persons with perhaps 50 or more persons of schoolchildren age likely to need to cross the highway to access community services on a regular basis .

The solution would appear to be that either a pedestrian overbridge such as that located at the nearby severed section of of Gorof Road or an underpass should be constructed by the developer to ensure that this stretch of the A 4067 does not become a traffic bottleneck.

refer to this access within the development brief unless the application is determined with consent granted.

Full access details will be included within any subsequent design concept plans or planning applications to develop the site – both of which will be consulted on with the community as required in Section 6 of the Development Brief.

The Council agrees that the sites' connectivity to the Town Centre is a fundamental issue that requires further emphasis. The following text will therefore be added to Para 5.2.1:

'Pedestrian desire lines should be assessed to establish where pedestrian crossing points are required to improve connectivity between the site and the town centre with its associated uses.'

Sufficient and safe pedestrian crossing points and facilities will be fully considered in more detail at the design concept plan and planning applications stages. Furthermore, Para 7.5.3 clearly states that: 'Details of such improvements should be discussed with the Council's highways and rights of way team prior to any planning application.'

For clarity, the words 'possible alternative' will be removed from Para 7.1.1 of the development brief. The brief will consequently read as follows:

'(N.B. A planning application for a highway access into the site from the A4067 has been received, but not determined at the time of preparing this brief.)'

		<p>In addition, the second sentence of Para 7.5.3 will be amended to read as follows:</p> <p>'To improve the crossing of the A4067, a light controlled crossing(s) or other suitable facilities would be necessary.'</p>
	<p>Finally members of the Council expressed concern over the use of Daniel Protheroe memorial garden as a thoroughfare - deeming it inappropriate .</p>	<p>In response to this comment, the 3rd sentence of Para 7.5.3 will be deleted.</p>

3	<p><u>CONTENTS</u></p> <ol style="list-style-type: none"> 1. Introduction 2. Specific comments to Development Brief 3. Conclusions <p>Introduction</p> <p>This report has been prepared and is submitted on behalf of Mr Evans to respond to consultation by Powys County Council on the Draft Bryn-y-Groes Development Brief in relation to UDP Site Allocation B31HA1. The development brief was published by Powys County Council in March of 2009 and is subject to consultation until 14th April 2009. The landowner, Mr Evans and an interested developer have engaged this practice to make constructive comments to the County Council and seek amendments to some issues of crucial importance to site viability. There are some inhibiting considerations and issues which would compromise the viability of the proposed development, accordingly some amendments to the draft brief are suggested and requested. The area of land that is the subject of the development brief lies to the West of the A4067 and is a 4.5 hectare site. The land is in private ownership and is used for three principle uses; agriculture, two residential dwellings and a commercial plant and tool hire business. The site is accessed via an existing access from the A4067; formerly a haul road to the opencast coal mine site at Brynhenllys. A current planning application is being determined in relation to an alternative access. The site is elevated above the level of the A4067 and accordingly is above the floodplain. The site is identified for residential development in the Powys Unitary Development Plan Deposit Draft (as modified).</p> <p>The draft development brief and specific comments</p> <p>The draft development brief has been assessed by the landowner, the potential developer and his contractor and accordingly several issues need to be addressed in this response. For clarity, each comment and page has been</p>	Comments noted.
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<p>reviewed and any specific issues are raised using the pagination and paragraph numbering system utilised in the document.</p>	
<p>Page 1, paragraph 0.1</p> <p>The final sentence of this paragraph indicates that <i>“The site is expected to accommodate approximately 65 dwellings”</i>.</p> <p>In this respect, we are concerned that the use of this figure will create an expectation that maximum number of dwellings to be developed will be 65. Whilst we understand that this is an approximate number, we consider it to be unhelpful to create any expectation at this very early stage for any interested parties.</p> <p>We suggest that given the specific merits of the site, its topography and making the best use of the available land that this figure should not be considered as anything but an indicative minimum number of dwellings. We further suggest that the draft design brief be amended in this respect. We make reference to the need for substantial exploratory work and consultation to be carried out before any planning application is submitted for development of the site, accordingly we are concerned that this will be prejudiced.</p> <p>We therefore suggest this sentence be amended as follows;</p> <p><i>“The site is indicatively allocated for development of 65 dwellings, it is expected that this will be a minimum number of dwellings, however, any application submitted will be expected to make the best use of the available land”</i>.</p>	<p>The Council considers it inappropriate to refer to the figure of 65 dwelling as either a minimum or a maximum. The actual number of dwellings on the site can only be determined following further investigative and design work and the consideration of site constraints to inform any planning application.</p> <p>The figure of 65 dwellings is purely a guideline for both the developer and the community.</p> <p>To reflect this, the following sentence will be added to Para 0.1 of the brief:</p> <p><i>‘However, the actual number and density of dwellings will be determined at the planning application stage.’</i></p> <p>Para 5.6.1 of the brief will also be amended to highlight the density calculations as an example.</p>
<p>Page 1, paragraph 0.5</p> <p>The final sentence of the paragraph indicates that <i>“Any subsequent development proposal should include formal community consultation prior to the submission of a planning application.”</i></p> <p>We understand that the draft development brief has been prepared following consultation with the community and that it is now published and subject to community consultation.</p> <p>The brief itself will inform the development of the site and any planning application for development of the site will need to take account of the issues raised therein. In this respect, once it has been approved and adopted as Supplementary Planning Guidance, the brief will have significant weight in the</p>	<p>The Council confirms that the brief has been prepared in consultation with the community. Section 6 of the brief identifies the stages at which community involvement and consultation should take place.</p> <p>The requirement for further community consultation on development proposals or a master plan for the site is considered best practice in planning terms. Details such as those that would be included within a master plan or design proposal are not available for consultation at this stage, therefore subsequent community consultation is required.</p>

	<p>determination of any application and will be a material consideration. No information is provided in the brief to explain why further formal consultation with the community will be required before any planning application is submitted.</p> <p><i>"We suggest that the draft design brief be amended in this respect and this requirement be deleted".</i></p>	<p>Community consultation can significantly benefit a developer in a number of ways including:</p> <ul style="list-style-type: none"> • Communicating and raising awareness of proposals • Building consensus • Giving the local community the opportunity to comment and subsequently reducing objections at planning application stage. <p>Community comments may help to improve the development for the benefit of all and should not always be dismissed as unhelpful or costly.</p> <p>The requirement for community involvement will be a requirement of this Development Brief which will be approved for development control uses as Interim Development Control Guidance.</p> <p>It is therefore considered inappropriate to amend the brief.</p>
	<p>Page 2, Paragraph 1.1</p> <p>The Vision statement indicates that, "Bryn-y-Groes will be a sustainable community, a site that is well integrated into the surrounding area and has a complementary relationship with existing communities".</p> <p>This statement appears to indicate that the Bryn-y-Groes development will not form an integral part of the community which exists in Cwmgiedd and Ystradgynlais. The site itself is well related to existing dwellings and will form an extension to the existing pattern of development in the locality.</p> <p>We consider that the site itself will form an intrinsic part of the sustainable settlement which exists and will be complementary to and directly related to the community services and facilities available nearby which are necessary for sustainable communities. The existing connectivity of the site to services and facilities for both vehicular and pedestrian traffic is acknowledged to be of significant importance; therefore we suggest that the draft development brief be amended in this respect to reflect its important relationship as a sustainable</p>	<p>There is little difference between the proposed and existing statement. However, the proposed statement reads better. The brief will therefore be amended as requested.</p>

<p>site. <i>“Bryn-y-Groes will be a sustainable development which will be well integrated into the surrounding area and will have a complementary relationship with the existing surrounding community”.</i></p>	
<p>Page 13, Section 5 Design Principles</p> <p>This section of the draft design brief outlines the issues to be taken into account in any detailed proposal for development of the site and provides a contextual analysis of the applicable planning policies listed earlier in the brief. The design principles themselves are separated into specific topic headings and our responses are accordingly separated with direct reference to relevant paragraphs.</p>	<p>Comments noted.</p>
<p>Page 13, Section 5.1.2 Site Context</p> <p>This paragraph refers to taking appropriate measures to ensure integration of the site into the landscape. We suggest one amendment be made to the second paragraph of this section which states <i>“The existing woodland, scrub and bank side vegetation surrounding the site should be retained, protected and enhanced to enable opportunities for nature conservation and limit the visual impact of the site.”</i></p> <p>We consider that natural flora does need regular maintenance and where appropriate improvement to enhance its value, both in visual and biodiversity terms. In this respect, we suggest that the authority amends the brief to reflect the need to undertake some management.</p> <p><i>“The existing woodland, scrub and bank side vegetation surrounding the site should, wherever possible, be retained, protected, enhanced and managed to enable opportunities for nature conservation and to limit the visual impact of the development of the site.”</i></p>	<p>The statement is a biodiversity, and screening requirement that has been highlighted by the Council’s Biodiversity Officer and the Inspector during the public inquiry into the Powys UDP.</p> <p>The inclusion of the suggested term ‘wherever possible’ provides an opportunity for the developer to justify that in all circumstances it is not possible to meet this requirement and could allow for unnecessary flexibility. The brief will therefore not be amended as suggested.</p>
<p>Page 13, Section 5.2 Connectivity & Legibility</p> <p>This section underlines that integration into the existing development context is highly dependent upon accessibility to local facilities and amenities. The brief states that <i>“Navigation should be made easier by appropriate signage and an innovative approach to lighting”</i>. Clearly, there will be a need to provide pedestrian and vehicular linkages and in any proposed planning application it</p>	<p>The term ‘wherever appropriate’ provides an opportunity for the developer to justify that in all circumstances it is not appropriate to meet this requirement and could allow for unnecessary flexibility. The brief will therefore not be amended.</p>

	<p>will be necessary to ensure those routes are accessible and safe for users. In this respect, we consider that until a detailed design concept has been prepared this issue should not be prescribed.</p> <p>We therefore suggest that the authority amends the brief to indicate that signage and lighting be used where appropriate and propose: <i>“Navigation should be made easier by appropriate signage and lighting where appropriate”.</i></p>	
	<p>Page 14, Section 5.3 Happiness/Well being</p> <p>At paragraph 5.3.2, the brief refers to the provisions of policy RL2 of the UDP and clearly outlines that where a development of more than 10 dwellings is proposed a survey will need to be carried out to assess the provision of existing outdoor playing space. In this respect, when a shortfall in provision is identified additional facilities will be sought through a planning obligation. The provisions of the Unitary Development Plan and policy RL2 are clear in their terms and accordingly would be a material consideration in respect of any submitted planning application.</p> <p>The supporting text to policy RL2 states;</p>	<p>Comments noted.</p> <p>The Council agrees that this section should be revised to clearly identify both criteria within UDP Policy RL2.</p> <p>The following text will be added to Para 5.3.2 for clarification:</p> <p><i>‘Criterion 1 of Policy RL2 states that a survey can be carried out by the Council or the developer. The Council has not undertaken a survey of provision in the local area; however, a Play Audit which can be disaggregated to the Ystradgynlais area was undertaken by the Council and completed in December 2008. Therefore, the</i></p>

10.5.2 Accessible outdoor playing space is a very important aspect in the enjoyment of life and well being of communities in these days of heavy traffic and "stranger danger". Children need to have a safe play area, be it with equipment or simply an open space where they can safely run around. Children under ten years of age should not have to walk a great distance to get to a play area, and certainly not have to cross busy roads. Where new playing space is required as a result of development proposals, National Playing Fields Association (NPFA) standards will be used in determining the scale of provision or contribution to be sought from developers.

10.5.3 The type of play area or recreation space, and the need for particular facilities to be provided, should be a matter for a development brief on major sites and in discussions with the Local Planning Authority and will be based on various factors including the existing provision in the locality, the site's suitability in terms of gradients and location, etc. Various alternatives to an equipped play area exist, such as a wooded area or one that can serve as an informal kick-about or basketball area for local children and families. In some circumstances this may be just as useful for community enjoyment as an equipped play area. Open spaces also serve as a community meeting place, with facilities possibly provided for a barbeque area, benches and shelters where people can gather. However, this raises other issues, such as lighting, fencing, noise, possible vandalism and anti-social behaviour, that aren't commonly associated with purpose-built play areas for the under 7s. On larger schemes, areas can be phased with land being set aside to have equipment provided at a later date. In most circumstances, planning obligations will be used, by agreement, to achieve this. Maintenance and costs of provision of play equipment will be dealt with in the Amenity and Play Space Supplementary Planning Guidance, which will also consider the issue of commuted sums for aftercare and maintenance.

And the policy itself states:

POLICY RL2 - PROVISION OF OUTDOOR PLAYING AND RECREATION SPACE

HOUSING DEVELOPMENT PROPOSALS SHALL INCLUDE PROVISION FOR SAFE AND ACCESSIBLE OUTDOOR PLAYING AND RECREATION AREAS AS FOLLOWS:

1. IN DEVELOPMENTS OF 10 OR MORE HOUSES (INCLUDING PHASED

developer, with the Council's support and the use of the above evidence, should assess the provision of existing outdoor playspace through a survey. Paragraph 10.4.5 of the Powys UDP provides further guidance on assessing the need for such facilities. '

Additional paragraphs, 5.3.4 & 5.3.5 will be added to state:

'5.3.4 Criterion 2 of Policy RL2 states that in circumstances where the location or scale of development would be unsuitable or insufficient to enable the provision of new outdoor playing space of adequate size, a planning obligation will be sought for a contribution to be made towards the enlargement or improvement of existing facilities. In addition, criterion 3 of Policy RL2 states that: As part of the design process, development proposals should incorporate an area(s) for passive, informal recreation appropriate to the scale and type of proposal.

5.3.5 The developer should include the following within the design statement:

- *The Assessment survey results*
- *Detail any play provision or contribution proposals*
- *Where play provision is not included, the developer should justify reasons why it was not possible to new make provision on site.*
- *Detail Area(s) for passive, informal recreation.'*

The Council is aware that the provision of outdoor play and recreation space can be costly. We would therefore like to work closely with the developer to identify innovative, viable and suitable options for its provision if a shortfall in provision is identified. We would advise the

DEVELOPMENTS) CAPABLE OF ACCOMMODATING FAMILIES WITH CHILDREN, A SURVEY SHALL BE CARRIED OUT BY THE COUNCIL OR DEVELOPER TO ASSESS THE PROVISION OF EXISTING OUTDOOR PLAYING SPACE. WHERE THERE IS FOUND TO BE A SHORTFALL IN PROVISION, A PLANNING OBLIGATION WILL BE SOUGHT TO ENSURE THE PROVISION BY THE DEVELOPER OF OUTDOOR PLAYING SPACE AND FACILITIES APPROPRIATE TO THE SCALE OF THE DEVELOPMENT IN LINE WITH THE NPFA STANDARDS.

2. IN CIRCUMSTANCES WHERE THE LOCATION OR SCALE OF DEVELOPMENT WOULD BE UNSUITABLE OR INSUFFICIENT TO ENABLE THE PROVISION OF NEW OUTDOOR PLAYING SPACE OF ADEQUATE SIZE, A PLANNING OBLIGATION WILL BE SOUGHT FOR A CONTRIBUTION TO BE MADE TOWARDS THE ENLARGEMENT OR IMPROVEMENT OF EXISTING FACILITIES. THE CONTRIBUTION WILL BE EQUIVALENT TO THE COST OF

PROVIDING THE PLAYING SPACE IN LINE WITH THE NPFA STANDARDS.

3. AS PART OF THE DESIGN PROCESS, THE COUNCIL WILL EXPECT DEVELOPMENT PROPOSALS TO INCORPORATE AN AREA(S) FOR PASSIVE, INFORMAL RECREATION APPROPRIATE TO THE SCALE AND TYPE OF THE PROPOSAL.

THE COUNCIL WILL EXPECT APPROPRIATE ARRANGEMENTS TO BE IN PLACE FOR THE LONG-TERM AFTERCARE AND MAINTENANCE OF THE PLAYING AND RECREATION SPACE.

In this respect, we consider that the provisions of policy RL2 criterion 1 and 2 might be applicable to any application for planning permission for development on this site. Accordingly, we suggest that this should be clarified in the development brief; especially if no survey has been undertaken by the authority to inform the brief and its requirements. We therefore suggest this element of the brief be reviewed to reflect the full provisions of policy RL2 and its

developer to contact the Council's Strategic Play Co-ordinator, Angela Leonard in this respect, who's contact details will be added to appendix B of the brief.

The following text will be added to Para 5.3.6 of the brief: *'Further guidance is provided in Technical Advice Note 16: Sport, Recreation and Open Space.'*

The following text will be deleted from the first bullet of para 5.3.1:

'Such open space would be ideally located centrally within the site, possibly acting as a focal point for the development.'

	<p>supporting text.</p> <ul style="list-style-type: none"> We seek the development brief be reviewed to reflect the provisions of policy RL2 criterion 1 and 2. 	
	<p>Page 15, Section 5.4 Quality Design</p> <p>This section highlights the need for any development to reflect the character of the site’s surroundings in form and pattern of development. The finish of any new dwellings will also be required to blend in visually using natural colour schemes and making use of local materials where possible.</p> <p>At paragraph 5.4.3, the draft brief states that <i>“All dwellings should benefit from the solar orientation of the site which faces southwards. Opportunities to use the sun as an energy source for heating and natural lighting within dwellings should be embraced.”</i></p> <p>In this respect, we are concerned that there is a requirement for all dwellings to benefit from use of the sun as an energy source, accordingly this would severely limit any site layout. We request that this element of the brief be amended as follows ;</p> <p><i>“All dwellings will benefit from the solar orientation of the site which faces southwards. Wherever possible, opportunities to use the sun as an energy source for heating and natural lighting within dwellings should be embraced.”</i></p>	<p>Paragraph 5.4.3 will be amended to read as follows:</p> <p><i>‘The majority of dwellings should benefit from the solar orientation of the site which faces southwards. Opportunities to use the sun as an energy source for heating and natural lighting within dwellings should be embraced. Where the sun is not harnessed, a justification explaining why it has not been possible should be provided within the design statement.’</i></p>
	<p>Page 16, Section 5.6 Housing</p> <p>This section addresses the density and mix of housing considered appropriate by the authority.</p> <ul style="list-style-type: none"> Density <p>With regard to density, the site is allocated for a guideline of 65 dwellings, and it is acknowledged that this density will be dependent upon a number of factors. The brief further states that if developed at this rate, the site density would be 14 dwellings per hectare. In this respect, as stated earlier in this</p>	<p>The Council considers it inappropriate to refer to the figure of 65 dwelling as either a minimum or a maximum. The actual number of dwellings on the site can only be determined following further investigative and design work and the consideration of site constraints to inform any planning application.</p> <p>The figure of 65 dwellings is purely a guideline as stated in the UDP and should therefore be retained.</p> <p>However, the following sentence will be added to Para 0.1 of the brief:</p>

report, we are concerned that this would create an expectation that 65 dwellings will be developed.

There is no justification or any information provided in the brief to explain why this density is considered appropriate or reasonable. We are mindful of the provisions of Planning Policy Wales and the need to ensure the best and most efficient use of land. In the Ministerial Interim Policy Statement on Housing, the Welsh Assembly Government provided a revised Chapter 9 of Planning Policy Wales and in this document they advise that local authorities should promote the best use of land and where appropriate on easily accessible sites developments of higher densities.

- *We consider that a density of 14 dwellings per hectare a very low density which will not make the best use of land and it should be considered to be the minimum density.*

We are mindful of the specific economic and environmental issues which will be applicable to any development on this site. Any development of land will only proceed when it is economically viable, that is to say that expected capital returns exceed costs. In this particular case, a full economic viability assessment will need to be undertaken by any potential developer to establish that development of the site will be profitable to an acceptable level, or the risks associated with the development will make the development unviable. This particular site will require substantial engineering works, the construction of infrastructure including roads, drainage and will require the provision of services. In addition to these fixed costs, the authority indicates that a mix of property sizes and types will be required to be developed to reflect local need, that approximately a third of the dwellings will be required to be affordable housing and that contributions may be requested from the developer for a range of community benefits and infrastructure provision. In these circumstances, we again argue that the density should be clearly stated to be purely indicative.

- *We consider that it is likely that development of the site will be very costly, with indicative abnormal costs anticipated to be over a million*

'However, the actual number and density of dwellings will be determined at planning application stage.'

Para 5.6.1 of the brief will also be amended to highlight the density calculations as an example.

pounds. In this respect, we consider that the economic viability of the potential development will be greatly enhanced if the development density is not prescribed or considered to be limited to 65.

- Mix

We note that the mix of dwellings will need to include a range of property types tenures and sizes which reflect local need and that a proportion of the site will be required to be affordable housing.

- Affordable housing

We note that the provisions of policies HP7 and HP10 will be applicable to any proposed development of the site.

The brief does not fully reflect the provisions of policy HP7 and we therefore request it be amended to include all of the provisions of Criterion A of the policy. That criterion states that for developments on sites for 5 or more houses within settlements, the council will seek to negotiate a proportion of affordable housing based on the extent and type of need as identified by the Council's housing needs survey (2001), successive surveys or other reliable and robust data sources, and the nature of the site.

The brief states that Policy HP7 requires that the site includes a minimum of 30 – 35% affordable housing, which would necessitate provision of 20 – 23 affordable homes. We are concerned that policy HP7 does not state there is a requirement for provision of 30 – 35% affordable homes, the policy states that the council will seek to negotiate a proportion of affordable housing based on identified need. In this case, we request reference to this percentage is deleted.

- We seek deletion of reference to 30-35% affordable housing from the development brief and seek inclusion of the phrase “seek to negotiate a proportion of affordable housing based on identified need”.

Comments noted.

UDP Policy HP7 was modified in November 2007 and the words ‘The Council will seek to negotiate’ were removed from the policy (Modification 065). However, for clarification, Paragraph 5.6.1, first bullet on affordable housing will be amended to read as follows:

‘A poor mix of tenure can result in unsustainable community & social imbalance. In accordance with Policy HP7, a proportion of affordable housing will be sought based on the extent and type of need, as identified by the Council's Housing Needs Survey 2002, successive surveys or other reliable and robust data sources. Paragraph 5.14.5 of the Powys UDP (as amended by MOD 063) states that: ‘Although the scale of affordable housing to be provided will be a matter for negotiation for each individual site, as a guideline, proportions of between 30-35% should normally be achievable and this

		<p><i>is in line with the level of need identified -of the Housing Needs Study 2002.’ However, the final % will be reflective of local needs identified in evidence. Site viability assessments will also be taken into consideration. Therefore, for example, based on a guideline of 65 dwellings, the minimum no. of units that should be provided e.g. 20-23 dwellings.’</i></p>
	<p>Page 18, Section 5.8 Sustainability</p> <p>At paragraph 5.8.5, in the penultimate sentence, it is stated that UDP Policy HP14 highlights the key considerations in developing sustainable housing. The final paragraph however, appears to state that the use of renewable energy technology is a mandatory requirement for inclusion in any development of housing. The provisions of Policy HP14 indicate that opportunities should be maximised in this respect and accordingly we request that the final sentence of the paragraph is amended.</p> <p>We suggest that the sentence be revised to accord with the provisions of Policy HP14;</p> <p><i>“In accordance with the DEED IDCG matrix (section 7), the following renewable energy technologies should wherever possible and practical be included within the development:</i></p> <ul style="list-style-type: none"> • <i>Site layout and orientation, passive solar design and water management</i> • <i>Solar Thermal Systems (solar Hot Water)”</i> <p>At paragraph 5.8.6, other measures are suggested for investigation and where possible incorporation into the development. The provisions of Policy GP3 state that a Design Statement is required to accompany all detailed planning applications and wherever practicable developments shall be designed to reduce energy consumption and maximise energy conservation through the use of appropriate materials, design, layout and orientation.</p> <p>We are concerned that the measures identified exceed what is required by the</p>	<p>In accordance with the DEED IDCG, which supports Policy HP14, the two bullets in Para 5.8.5 are required. It is therefore considered that the brief should not be amended.</p>

	<p>provisions of Policy GP3 and accordingly request that paragraph 5.8.7 be amended to state:</p> <p>“A design statement must accompany any detailed planning application, and where the features outlined above are not included within the development, reasons must be provided in a design statement. The submission of a design statement is a requirement of policy GP3.”</p>	<p>The Council considers that these requirements do not exceed GP3. However, the proposed sentence reads well, therefore Para 5.8.7 the brief will be amended as follows:</p> <p><i>‘A design statement must accompany any detailed planning application, and where the features outlined in Para 5.8.6 above are not included within the development, reasons must be provided in a design statement. The submission of a design statement is a requirement of policy GP3. (N.B. Design and Access Statements will become a statutory requirement from the 1st June 2009. Please refer to the revised TAN12: Design for further guidance).’</i></p>
	<p>Page 20, Section 6.1 UDP Design Process Stages</p> <p>This section states that there should be consultation with the community at three specific design process stages, however, there is no specific policy of the Unitary Development Plan nor any regulation requiring that such consultation takes place by the developer prior to submission of a formal planning application.</p> <p>In this respect, we seek clarification on the regulatory or statutory need for such consultation or deletion of the requirements outlined at paragraph 6.1.1</p>	<p>See earlier comments.</p> <p>Community consultation is not a statutory requirement, it is best practice. Given the scale and sensitive nature of the site, community consultation will be a requirement of the Development Brief which will be approved as Interim Development Control Guidance.</p> <p>The brief will therefore not be amended.</p>
	<p>Page 21, Section 6.3 Planning Obligations/Developer Contributions</p> <p>At paragraph 6.3.2 the brief states that contributions will be secured through a Section 106 legal agreement between the landowner/developer and the Council in relation to the issues listed at paragraph 6.3.1 . This aspect relates to the provisions of Policy GP2 which states;</p>	

POLICY GP2 - PLANNING CONDITIONS AND OBLIGATIONS

THE COUNCIL WILL IMPOSE CONDITIONS ON PLANNING PERMISSIONS OR SEEK TO ENTER INTO A PLANNING OBLIGATION BY AGREEMENT WITH APPLICANTS WHERE APPROPRIATE, TO ENSURE THAT:

1. HIGH QUALITY DEVELOPMENT IS ACHIEVED AND ANY ADVERSE EFFECTS OF PROPOSALS ARE MINIMISED OR CONTROLLED.
2. THE DEVELOPMENT PROVIDES FOR ADEQUATE INFRASTRUCTURE NECESSARY TO SERVE THE PROPOSAL, AND THAT SATISFACTORY MAINTENANCE ARRANGEMENTS ARE ACHIEVED.
3. BENEFITS IN THE PUBLIC INTEREST ARE SECURED WHERE THESE ARE RELEVANT AND REASONABLY RELATED TO THE PROPOSAL AND REQUIRED TO ENABLE IT TO PROCEED.

Clearly, therefore the policy provisions state that where there are adverse effects of proposals or benefits in the public interest are necessary to enable a development to proceed, the Council can seek to enter into a planning obligation to address the direct consequences of the development. In this case, we request the provisions of paragraph 6.3.2 are amended to reflect the provisions of Policy GP2, we suggest the paragraph be amended to state;

“Where any adverse effects will directly arise from proposals which are directly related to and reasonably necessary to enable a development to proceed, contributions will be sought from a developer and secured through a Section 106 legal agreement between the landowner/developer and the Council”.

UDP Policy was amended in November 2007 by modification 021. Para 6.3.1 will be amended to reflect all criterion of UDP Policy GP2 as follows:

‘UDP Policy GP2 allows contributions in the form of provision or commuted sums to be sought from a developer and secured through a section 106 legal agreement between the landowner/developer and the Council. Examples of the type of infrastructure that may be sought and negotiated include:

- *Public Open Space / Play Facilities*
- *Educational Contribution*
- *Affordable Housing Provision & Phasing(HP7 & 10)*
- *Public art/landmarks*

		<ul style="list-style-type: none"> • <i>Community facilities (CS3)</i> • <i>Highways, Public transport, cycles & footpaths facilities. Improvements or commuted sum (T6 & T8)</i> • <i>Utility Infrastructure (DC7)</i> • <i>Ecology'</i> <p>Paragraph 6.3.2 will be deleted.</p>
	<p>Conclusions</p> <p>We would stress that the landowner and the potential developer wish to provide constructive criticism to the published draft development brief and in making these comments and suggested amendments we also wish to congratulate the authority and officers on the thorough and reasonable approach they have taken to the development brief.</p> <p>Our comments are limited to Sections 1 to 6 of the draft development brief as the information contained in Section 7 and onward is accepted.</p> <p>For the avoidance of doubt and for clarity, the suggested amendments are:</p> <p><i>“The site is indicatively allocated for development of 65 dwellings, it is expected that this will be a minimum number of dwellings, however, any application submitted will be expected to make the best use of the available land”.</i></p> <p><i>“Bryn-y-Groes will be a sustainable development which will be well integrated into the surrounding area and will have a complementary relationship with the existing surrounding community”.</i></p> <p><i>“The existing woodland, scrub and bank side vegetation surrounding the site should, wherever possible, be retained, protected, enhanced and managed to enable opportunities for nature conservation and to limit the visual impact of the development of the site.”</i></p> <p><i>“Navigation should be made easier by appropriate signage and lighting where appropriate”.</i></p>	<p>Comments welcomed.</p>

“All dwellings will benefit from the solar orientation of the site which faces southwards. Wherever possible, opportunities to use the sun as an energy source for heating and natural lighting within dwellings should be embraced.”

“In accordance with the DEED IDCG matrix (section 7), the following renewable energy technologies should wherever possible and practical is included within the development:

- *Site layout and orientation, passive solar design and water management*
- *Solar Thermal Systems (solar Hot Water)”*

“A design statement must accompany any detailed planning application, and where the features outlined above are not included within the development, reasons must be provided in a design statement. The submission of a design statement is a requirement of policy GP3.”

“Where any adverse effects will directly arise from proposals which are directly related to and reasonably necessary to enable a development to proceed, contributions will be sought from a developer and secured through a Section 106 legal agreement between the landowner/developer and the Council”.

Our general comments seek amendment, clarification or deletion, namely;

- *On the subject of extensive pre application consultation, we suggest that the draft design brief be amended in this respect and this requirement be deleted.*
- *On the subject of provision of outdoor playspace, we seek the development brief be reviewed to reflect the provisions of policy RL2 criterion 1 and 2.*
- *On the issue of density, we consider that a density of 14 dwellings per hectare is a very low density which will not make the best use of land - it should be considered to be the minimum density.*

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| <ul style="list-style-type: none"> • On the issue of density and economic viability, <i>we consider that it is likely that development of the site will be very costly, with indicative abnormal costs anticipated to be over a million pounds. In this respect, we consider that the economic viability of the potential development will be greatly enhanced if the development density is not prescribed or considered to be limited to 65.</i> • On the issue of affordable housing provision, we seek deletion of reference to 30-35% affordable housing from the development brief and seek inclusion of the phrase “seek to negotiate a proportion of affordable housing based on identified need”. | |
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Additional Minor Amendments to the Brief

- The word ‘draft’ is removed from the cover & date changed from March to June 2009.
- Add an additional appendix, Appendix D – Powys UDP Public Inquiry Inspector’s comments and recommendations regarding B31 HA1 and the Council’s reasons for not accepting the Inspector’s recommendation.
- Add reference to the following guidance in Section 3: Planning Policy Framework, Para 3.1:
 - Ministerial Planning Policy Statements (MIPPS):
 - 01/2005 Planning for Renewable Energy
 - 01/2006 Housing
 - 01/2008 on Good Design
 - 01/2009 Planning for Sustainable Buildings
 - Draft TAN 22: Planning for Sustainable Buildings (May 2009)
- Add the term (Master plan) to Para 6.1.1
- Merge Paragraphs 5.1.2 & 5.1.3 to read as follows:

‘5.1.2 The visual prominence of any development on the site should be satisfactorily reduced through landscaping. The perimeters

of the site are particularly sensitive to development, partly due to the vegetation and habitat but also because of the residential properties that back onto the development site. The existing woodland, scrub and bank side vegetation surrounding the site should be retained, protected and enhanced to enable opportunities for nature conservation and limit the visual impact of the site. The siting of development should avoid the top edge of the bank to protect the privacy and visual amenity of surrounding residential areas.'

- Move Para 7.3.3 to become Para 7.3.1
- Amend Para 5.8.9 to refer to a minimum of code level 3, instead of code level 4.
- Amend the first sentence of Para 5.4.4 to read as follows:

'Where possible, housing developed should seek to reflect the Welsh Assembly Government's Development Quality Requirements (DQR)'

- Add the following sentence to the end of Para 6.2.3:

'A scheme for the phasing of the site should be agreed in writing with the Council prior to the commencement of any development.'