



**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(Wales) Order 2012**

Application P/2013/1190 for Full Planning Permission

**Wildig Lammie Partnership
Mr Campbell Lammie
Tregleath House
1 Serpentine Road
Newport
Gwent NP20 4PF**

Applicant: Mr Jon Harvey Wales And West Housing Association

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 **FULL PLANNING PERMISSION** is **GRANTED** for the following development, namely:-

Full: Demolition of existing hospital including ancillary outbuildings and the construction of 17 affordable dwellings and minor alterations to existing access road at Bulth Cottage Hospital Hospital Road Bulth Wells

In accordance with the application and plan submitted to the Council on 23/12/2013 subject to the conditions specified hereunder:-

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved 10/09/14 (6427/R1A; D1A; D2A; 1784 04 01A; 100C; 101; 102F; 103D; 104D; 105F; 200C; 201; 300D; 301A; 500D; 505A; 506A; 606; 607).
3. Prior to the commencement of any of the works identified as having impact on biodiversity in the Bat Survey Report by Soltyn Brewster Ecology dated 1st July 2014 accompanying the application the measures detailed in the Method Statement Bats by Soltyn Brewster Ecology dated 1st July 2014 shall be fully implemented and confirmed in writing as satisfactory by the Local Planning Authority.
4. Prior to the occupation of the development hereby approved a surface water removal strategy delivering sufficient compensation for the foul flows from the development shall have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
5. 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 dwellings 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, unless the Local Planning Authority gives

written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

6. Prior to their first use samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority.

7. Prior to the commencement of development an Archaeological Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Investigation shall be a Level 3 (English Heritage - Understanding Historic Buildings, 2006) archaeological study of the Victorian Cottage Hospital building in accordance with an approved written scheme of investigation. A copy of the report shall be submitted no later than six months from the completion of the survey to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670.

8. The measures set out in Section E of the Bat Method Statement prepared by Soltys Brewster and dated 01 07 2014 shall be implemented in full.

9. Notwithstanding the requirements of Condition 3 and 8, a pre-demolition inspection shall be undertaken for the whole building and all ridge tiles and soffits and other roost features associated with the eaves or elsewhere as identified by the ecologist, shall be removed by hand and under the supervision of a licensed bat ecologist.

10. Prior to commencement of development a Nesting Bird Method Statement 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.

11. Prior to commencement of development a Tree & Hedgerow Protection Plan shall be submitted to and approved in writing by the local planning authority. The Tree and Hedgerow Protection Plan shall be in accordance with BS:5837:2012 and include provision for all retained trees and boundary features.

12. Prior to commencement of work on the dwellings hereby approved, an External Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and maintained thereafter unless otherwise agreed in writing by the local planning authority.

13. Any entrance gates shall be constructed so as to be incapable of opening towards the highway.

14. Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 45.0 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

15. Prior to the occupation of the development clear visibility shall be maintained above a height of 0.26 metres above carriageway level over the full frontage of the developed site to the new estate road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

16. Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 6.0 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

17. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear.

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

19. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner, or an alternative timescale to be submitted to and approved in writing by the local planning authority.

20. Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 6.0 metres from the edge of the adjoining carriageway.

21. The centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay.

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

23. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012. Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

24. If the investigation undertaken in connection with Condition 23 finds that the site remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 23 has been received from the Local Planning Authority.

25. If any site remediation is required, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required in the demolition of the existing buildings and to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 24, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 25.

27. If any site remediation is required a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

28. Foul water and surface water discharges shall be drained separately from the site.

29. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

30. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

31. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed scheme.

32. Prior to the first use of the site, an ecological consultant shall visit the site to check that all of the ecology mitigation and enhancements have been implemented and are fit for purpose and a written report shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To preserve and protect biodiversity and in accordance with Powys County Council Unitary Development Plan policies SP3, ENV2, ENV3 and ENV6 and to meet the

requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1, DC10 and DC13 of the Powys Unitary Development Plan.

5. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.

6. To safeguard the character and appearance of the development in accordance with Policy GP1 of the Powys Unitary Development Plan.

7. To ensure a record is completed and recorded on the demolished building in the interests of heritage record keeping and in accordance with Powys Unitary Development Plan policy SP3.

8. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 5, 2012), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

9. To preserve and protect biodiversity and in accordance with Powys County Council Unitary Development Plan policies SP3, ENV2, ENV3 and ENV6 and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

10. To preserve and protect biodiversity and in accordance with Powys County Council Unitary Development Plan policies SP3, ENV2, ENV3 and ENV6 and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

11. To preserve and protect biodiversity and in accordance with Powys County Council Unitary Development Plan policies SP3, ENV2, ENV3 and ENV6 and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

12. To preserve and protect biodiversity and in accordance with Powys County Council Unitary Development Plan policies SP3, ENV2, ENV3 and ENV6 and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

13. In the interests of highway safety and in accordance with Powys Unitary Development Plan Policy GP1 and GP4.

14. In the interests of highway safety and in accordance with Powys Unitary Development Plan Policy GP1 and GP4.

15. In the interests of highway safety and in accordance with Powys Unitary Development Plan Policy GP1 and GP4.

16. In the interests of highway safety and in accordance with Powys Unitary Development Plan Policy GP1 and GP4.

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21. In the interests of highway safety and in accordance with Powys Unitary Development Plan Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with Powys Unitary Development Plan Policy GP1 and GP4.
23. 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 and in accordance with Policy DC15 of the Powys Unitary Development Plan.
24. 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 and in accordance with Policy DC15 of the Powys Unitary Development Plan.
25. 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 and in accordance with Policy DC15 of the Powys Unitary Development Plan.
26. 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 and in accordance with Policy DC15 of the Powys Unitary Development Plan.
27. 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 and in accordance with Policy DC15 of the Powys Unitary Development Plan.
28. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1, DC10 and DC13 of the Powys Unitary Development Plan.
29. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1, DC10 and DC13 of the Powys Unitary Development Plan.
30. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1, DC10 and DC13 of the Powys Unitary Development Plan.
31. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1, DC10 and DC13 of the Powys Unitary Development Plan.
32. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 5, 2012), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

Notes

A Building regulations application may be required, please contact Building Regulations on 01874 612 353.

The date on which this permission is **GRANTED** is 10/09/2014.

A handwritten signature in blue ink, appearing to read 'Sue Bolter', with a vertical yellow line drawn through the middle of the signature.

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 within 6 months of the date of this notice. 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.

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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.