PLANNING, ACCESS AND RIGHTS OF WAY COMMITTEE

Application Number: 18/16268/OUT  
Date Validated: 21 June 2018

Site Address:  
Land North Of Camden Crescent  
Brecon  
Powys  
LD3 7BY

Grid Ref: E: 305112  N:228552  
Proposal: Outline: Residential development and associated works

Case Officer: Matthew Griffiths  
Community: Brecon

Reason(s) Application Reported to Committee: The proposal is for a major development that requires determination by the Planning Access and Rights of Way Committee

RECOMMENDATION: Approve subject to conditions and an agreement under section 106 of the Town and Country Planning Act 1990.
1. Site and Context

1.1 The application site is a parcel of land, around 2 hectares in extent. It takes in two agricultural pasture fields, there is no physical site boundary to the north of the site with the fields extending beyond the site boundary. Other boundaries are formed by hedges. The two parcels of land are separated by a mature hedgerow. The site is sloping and the applicants supporting information notes that the elevation of the site ranges from approximately 183m in the eastern corner, adjacent to Eluned’s Drive to around 158m in the western corner adjacent to Camden Crescent.

1.2 The site is located on the northern edge of Brecon. It is around 500m from the edge of Brecon Town Centre and around 400m from the Brecon Interchange Bus Stop. It is in an elevated position above the town, situated to the north east of residential development on Camden Crescent to which it has a road frontage. It is to the north west of residential development on Eluned's Drive and to the east of the Brecon War Memorial Hospital site. To the north east the site is open to the countryside.

1.3 A public right of way crosses the site heading uphill parallel to the hedgerow between the two field parcels Access to the site is currently gained from a field gate to Camden Crescent. A stile provides pedestrian access to the public right of way.

2. Description of Development

2.1 The application has been made for outline planning permission and all matters are reserved except for access. Vehicular access is proposed from Camden Crescent using a new junction with a road width of 5.5m and 1.8m pedestrian footways, this is proposed to link into the footways along Camden Crescent.

2.2 An illustrative layout plan and a plan showing parameters for the plots have been submitted. These plans show a layout for 30 residential units arranged around an estate road and private drive. The proposed access is located towards the western part of the site. An estate road has two spurs serving the remainder of the site. The proposal includes the provision of 6 units of affordable housing, which would represent 20% of the units. An illustrative road layout is shown on the indicative site layout plan. The supporting information to the application shows the access road achieving a maximum gradient of 1:15m.

2.3 The applicant has submitted minimum / maximum dimensions for the properties at the site. Parameters for heights range from: ridge height - 8m (min) / 11.5m (max); eaves height - 5m (min) / 7.5m (max). Property depths and widths vary across the units. The parameters plan indicates that properties vary between 5.75m and 14m in width and 8.5m and 9.5m in depth.

2.4 Other matters related to the scheme are reserved: scale (includes information on the size of the development, including the height, width and length of each proposed building), layout (includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development), landscaping (the improvement or protection of the amenities of the site and the surrounding area, this could include planting trees or hedges as a screen)and
appearance (aspects of a building or place which affect the way it looks, including the exterior of the development) are reserved for future determination.

3  Planning History

3.1  No material planning history has been identified.

4.  Relevant Local and National Planning Policy

4.1  Local Planning Policy and Guidance

4.1.1  The development plan for the area is the Brecon Beacons National Park Local Development Plan 2007-2022 (hereafter LDP) which was adopted by resolution of the National Park Authority on the 17th December 2013. The following policies are considered relevant to the decision or have been raised in representations.

<table>
<thead>
<tr>
<th>Policy no.</th>
<th>Policy</th>
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<tbody>
<tr>
<td>SP1</td>
<td>National Park Policy</td>
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<td>Policy 1</td>
<td>Appropriate Development in the National Park</td>
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<tr>
<td>SP3</td>
<td>Environmental Protection - Strategic Policy</td>
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<td>Policy 3</td>
<td>Sites of European Importance</td>
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<td>Policy 4</td>
<td>Sites of National Importance</td>
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<td>Policy 5</td>
<td>Sites of Importance for Nature Conversation</td>
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<td>Policy 6</td>
<td>Biodiversity and Development</td>
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<td>Policy 7</td>
<td>Protected and Important Wild Species</td>
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<td>Policy 8</td>
<td>Trees and Development</td>
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<td>Policy 9</td>
<td>Ancient Woodland and Veteran Trees</td>
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<td>Policy 10</td>
<td>Water Quality</td>
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<td>Policy 11</td>
<td>Sustainable Use of Water</td>
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<td>Policy 12</td>
<td>Light Pollution</td>
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<td>Policy 13</td>
<td>Soil Quality</td>
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<td>Policy 14</td>
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<td>Policy 21</td>
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<td>Policy 22</td>
<td>Areas of Archaeological Evaluation</td>
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<td>SP 4</td>
<td>Climate Change</td>
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<td>SP 10</td>
<td>Sustainable Design</td>
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<td>SP11</td>
<td>Sustainable Distribution of Development</td>
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<tr>
<td>BLP1</td>
<td>Brecon Enabling Appropriate Development</td>
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<td>BLP2</td>
<td>Brecon Mitigating Impact</td>
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<td>SP5</td>
<td>Housing</td>
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<td>Policy 24</td>
<td>Housing Requirement</td>
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<td>SP6</td>
<td>Affordable Housing</td>
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<td>Policy 28</td>
<td>Affordable Housing Contributions</td>
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<tr>
<td>SP15</td>
<td>Supporting Sustainable Communities</td>
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<td>Policy 50</td>
<td>Retention of Existing Community Facilities</td>
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<td>Policy 53</td>
<td>Planning Obligations</td>
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<td>SP16</td>
<td>Sustainable Infrastructure</td>
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<td>Policy 54</td>
<td>Power-lines and Pipelines</td>
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<td>Policy 56</td>
<td>Water and Sewage Supply for New Development</td>
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4.1.2 The site is located on housing allocation DBR-BR-A within the Primary Key Settlement of Brecon, as defined by the LDP Proposals Map.

4.1.3 Brecon as the Primary Key Settlement is identified as being strategically placed to serve its surrounding communities, providing the spatial hub to support opportunities for new employment and housing.

4.1.4 This strategic position is enabled through the LDP in two key ways:- through Policy B LP1 which sets out the forms of development which are acceptable within Brecon, and through appropriate land allocations which seek to define areas of land for specific purposes, such as housing.

4.1.5 Policy B LP1 states that proposals for development within Key Settlements will be required to contribute positively to their setting and enhance the quality of the landscape without adverse impact on the wildlife, natural beauty, cultural heritage, environmental assets or biodiversity of the settlement.

4.1.6 All proposals for development within Key Settlements must demonstrate how they respond to issues relevant to their location to the satisfaction of the National Park Authority, and how the scheme will contribute to achieving the 15 year vision relevant to their location. In this context the National Park Authority will expect the proposal to help achieve the following statement from the 15 year vision:

“The disparity in wealth and deprivation levels in some parts of the town will be counteracted through strong local action to provide a wider range of employment options and to address the standard of residential accommodation. A wide range of people will live and work within Brecon, and new housing will cater for this diverse range of people. Affordable housing and intermediate low cost homes provision will be improved and those inappropriately housed will be reduced to minimal levels.” (Brecon 15 year Vision LDP page 53).

4.2 National Planning Policy and Guidance

4.2.1 National planning policy and guidance which is considered as particularly relevant to the determination of this application is as follows:

<table>
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<th>Document</th>
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<tr>
<td>Planning Policy Wales: 10th Edition (December 2018) (PPW)</td>
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<tr>
<td>Technical Advice Note 1: Joint Housing Land Availability Studies (2015) (TAN1)</td>
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5. Summary of Consultation responses

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<th>Consultee</th>
<th>Comments</th>
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| Natural Resources Wales/Cyfoeth Naturiol Cymru | Comment on the ecological information submitted, including additional ecological surveys provided.  
No objections offered subject to planning conditions. |
| NP Planning Ecologist | The site is allocated for residential development in the Local Development Plan. Additional bat survey information has been submitted to clarify the locations of flight-lines for specific species as well as the weather conditions at the time of the surveys.  
A Method Statement to address a mitigation strategy for great crested newts and reptiles has also been submitted that is considered to be acceptable.  
Reserved Matters planning conditions can also be imposed to safeguard and enhance nature conservation interests at the site. |
| Brecon Town Council | A detailed representation was submitted by Brecon Town Council and the full document is available from the link below. The document provides the following summary and conclusion.  
Summary  
This summary provides a simple overview of our observations in relation to the proposed development. Having reviewed the application details, and their compatibility with the relevant legislation and policies, we believe that:  
- The use of this site for housing is possibly not compatible with the Wellbeing and Future Generations (Wales) Act 2015 |
- We have observed a number of incompatibilities with the Sustainability Principle, and cannot support this application until these have been resolved to our satisfaction.
- We question some of the assumptions used in the Transport Analysis, and as such cannot concur with the assessment that there is limited impact on local traffic until more information is provided.
- We hope that a Detailed Impact Assessment on the Fire Station and Ambulance Depot at the Hospital will be provided to ensure that these two vital local services, both within 200m of the proposed development, are not affected.
- We request that further visual impact assessments are provided to reassure us that the BBNPAs second Statutory Purpose and Duty are being upheld and that the landscape is not unacceptably impacted.
- We request a more detailed analysis of the potential for impact on the acknowledged Great Crested Newt population, and under the duties of the NERC Act and Environment Act we would want to see sufficient detail on mitigation and enhancement proposals for this European Protected Species.
- We believe that alternative access for the site should have been considered, that a better access route is possible, and that a detailed assessment of this alternative should be provided so that key policies within the LDP can be met.
- We have concerns regarding the accessibility of the site, especially for people with limited mobility and visual impairment and believe that the applicant, to rectify this problem, should provide more information.
- Since the allocation of this site for housing in the BBNPA LDP (2007) there has been the release of significant areas of brownfield sites in the same Brecon ward, and that under the sustainability principle outlined in Planning Policy Wales and the BBNPA LDP, these sites should be pursued instead as they are more inline with published policy.
- The site does not reach the required standard for housing density. The applicant disclosed that the reason for failing to reach the required housing density standard was due to the engineering requirements of the locations steep gradient, and therefore we feel that this illustrates that the site is incompatible with published policy for housing allocation.
- We do not believe the applicant has provided sufficient information to show how the proposed development adheres to the required accessibility and sustainable transport policies.
- We have concerns that the proposed development will intrude unacceptably on the immediate site neighbours in terms of privacy, tranquillity and community cohesion.

Conclusion
Brecon Town Council Planning Committee recognise the requirement, as a primary key settlement, to provide appropriate housing and would welcome a suitably designed and located development. However, following a review of the application we believe that there is insufficient information presented by the applicant to determine whether the proposal is acceptable in terms of policy and that there is the potential for significant impact on Brecon town and its future generations. As a consequence we
object to this proposal.

| CADW Ancient Monuments (LBC Consents) | Comments and no objection | The Heritage Impact Assessment concludes that although the proposal is located within a part of the wider setting of BR063 Pen-y-Crug the proposed development would not result in any change to any part of the scheduled monument’s setting which contributes to its significance and that the relationship between it and other, more distant, elements of the Iron Age landscape (by implication BR063 Pen-y-Crug) would be unchanged. We concur with this assessment that the proposal will cause very slight, but not significant, damage to the setting of scheduled monument BR038 Slwch Camp, but no damage to the setting of scheduled monument BR063 Pen-y-Crug. |
| Dwr Cymru Welsh Water - Developer Services | No objections comments provided. | Having reviewed the Drainage Strategy Report submitted to the local planning authority, (ref: 19742 revision 03), we note the developer proposes to dispose of foul and surface water flows via the public sewerage system. On the basis that the domestic surface water flows proposed communicate with the public surface water network at an attenuated rate not exceeding 5 l/s, we have no objection to the above application. Notwithstanding the above, we note that should groundwater springs be discovered, the intention would be to discharge these flows to the surface water drainage system, and would advise that such flows shall not be permitted into the public sewerage system. Therefore request the imposition of a planning condition. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. |
| Dyfed Powys Police, Brecon | No comments to date | |
| Linesearch | Comments identifying infrastructure near site. | |
| NP Heritage Officer Building Conservation | Comments provided; conclude that from a heritage perspective it is considered that the development of the site will not have a significant impact on the setting of the Brecon Conservation Area in short distance views. Developing the site, particularly the higher section could have an impact on longer distance views into the Conservation Area, where the site forms part of the backdrop. It is considered that there would not be a significant impact on the setting of the nearby listed buildings or locally listed buildings in Camden Road or Alexandra Road; however, because of the prominence of the site on the valley side, the development would be seen in the context of listed buildings in longer distance views. This is particularly relevant to landmark buildings such as St. Mary’s church which |
has a setting extending far beyond its curtilage. The details of the scheme, including materials and landscaping within the site could help to ensure that the development recedes rather than stand out in these longer distance views.

If the scheme is progressed, the views expressed here are subject to the layout, scale, massing, form, detailed design and materials and landscaping being acceptable.

<table>
<thead>
<tr>
<th>NP Rights Of Way Officer</th>
<th>No comments to date</th>
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<tr>
<td>NP Tree Consultant</td>
<td>Comments provided on supporting tree survey and tree constraints plan submitted. No objections subject to planning conditions.</td>
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<tr>
<td>Ramblers Association Powys</td>
<td>Commented on the application advising that “given that there are no diversions proposed to public rights of way we have no adverse comments to make on this application.” Advise that the applicant should be informed of the need to make sure rights of way are not obstructed.</td>
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<tr>
<td>Powys County Council Affordable Housing Officer</td>
<td>No comments to date.</td>
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<tr>
<td>Powys County Council Building Regulations</td>
<td>No comments to date.</td>
</tr>
<tr>
<td>Powys County Council Contaminated Land</td>
<td>Comments and review of supporting information. No objection subject to a condition requiring appropriate mitigation in the event that unsuspected contamination is found at the site.</td>
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<tr>
<td>Powys County Council Land Drainage Department</td>
<td>Comments provided as the Lead Local Flood Authority (LLFA), covering: - Local Flood Risk, identifying no records to identify the site has been affected by flooding. However, anecdotal evidence suggests that nearby property has suffered from a localised surface water run-off issue during heavy rainfall event (c2008). - Surface Water Drainage assessed planning statement and drainage strategy report. Recommend the imposition of conditions to control drainage from the development.</td>
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<tr>
<td>Powys County Council Education</td>
<td>No comments to date.</td>
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<tr>
<td>Powys County Council Public Protection (consult Env Health)</td>
<td>Comment that the site is located in a residential setting and that conditions requiring a construction method statement and hours of operation should be imposed.</td>
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<tr>
<td>Powys County Council Outdoor Leisure And Recreation</td>
<td>No comments to date.</td>
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<td>Powys County Council Public Art</td>
<td>No comments to date.</td>
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<td>Powys County Council Public Open Space</td>
<td>No comments to date.</td>
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<tr>
<td>Powys County Council S106 Agreements Co-ordinator</td>
<td>No comments to date.</td>
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<tr>
<td>Western Power Distribution South Powys</td>
<td>Comments on the presence of their infrastructure at the site.</td>
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</table>
| NP Heritage Officer Archaeology | Detailed comments on the archaeological assessments undertaken at the site and the archaeological context of the site were provided. 

The application site has been subject to archaeological evaluation, and no features of certain archaeological origin were located. No evidence of the potential, but as yet unproven, Iron Age defended enclosure (PRN 622) was identified. No further archaeological mitigation is required. |
| Powys County Council Highways | Commented on the information submitted in support of the application and the acceptability of the following aspects: 
- Existing and Proposed Trip Generation & Existing Road Network 
- Compliance with the Active Travel (Wales) Act 2013 Requirements 
- Site Access 
- Internal layout (currently reserved) 
- Parking Provision (currently reserved) 
- Highway Surface Water Drainage 

Subject to the imposition of highway conditions no objections were offered to the proposal. |
6. Third Party Representations

6.1 The application was publicised through the placing of site notices at the site, advertisement in a local newspaper and direct neighbour notification. The owner occupiers of Twenty-nine properties have made representations on the application and following re-consultation after the submission of additional information.

- Inadequate highway network to cater for increased traffic. Including on street parking; inadequate supporting highways information; presence of fire station, hospital, care home and ambulance station in the locality. Comprehensive improvements should be made to the highway network before the development occurs. Highway issues are particularly acute during “school run” times.
- The supporting information understates the traffic impact on: Camden Crescent; Camden Road; the Camden Road Cerrigcochion Road queues; Cerrigcochion Road.
- The proposal does not consider the impact of future development in combination with this development.
- The traffic survey and queue length assessment is not appropriate.
- Alternative access should be provided onto Cerrigcochion Road and not through Camden Crescent.
- Access issues are exacerbated by the presence of on street parking which reduce carriageway widths to single traffic.
- Insufficient capacity at the junction between Camden Crescent, Cerrigcochion Road and Heol Gouesnou.
- Impact of construction traffic particularly due to the excavation works to be undertaken at the site and transport of material
- Will result in the loss of an important area of open space at the edge of the settlement which is used by the public.
- Concerns that the layout is not appropriate, with the presence of a limited mix of properties and the presence of six affordable properties in a corner of the site.
- The proposal is for two storey properties and will be dominant of the surrounding developments of bungalows and harmfully effect the outlook from residential properties neighbouring the site.
- The proposal will impact views out of the town and impact the setting of Buckingham Tower.
- The site due to its sloping nature will always be visible and landscaping will not be able to screen the development. The proposal will impact on the panoramic views available from the town and be harmful to the character and setting of the town.
- Insufficient information to show that an acceptable scheme can come forward. Elevations and street scenes should be submitted to support the application. This is particularly the case given the sloping nature of the site.
- The site is sloping and would not be accessible to pedestrians and cyclists. The site would be reliant on the public car. The site will not be accessible to wheel chair users. The residential population of Brecon is ageing and this site will be less accessible due to the steeply sloping nature of the site. No specific provision is provided for non-drivers. People with disabilities will be excluded from the development due to the gradients and need for steps to access properties.
- The internal layout is at the limit or beyond acceptable standards. It will be at the
maximum longitudinal gradient. The radii are minimal and larger vehicles will require the full available road width.
- Refuse collection will be difficult and located at the entrance to each long drive detracting from the character of the area.
- The proposal will result in extensive retaining walls which will have a detrimental visual impact.
- Properties are likely to be occupied by people moving into the locality.
- Construction works will have an unacceptable impact on the living conditions and amenity of residents.
- Reduction in the on street parking available to local residents in particular 9 and 10 Camden Crescent.
- The site has previously been considered inappropriate for development.
- Not enough information to assess the acceptability of the development as it is made in outline and it should be accompanied by significantly more additional information and should be made as a fully detailed application.
- The Authority should issue a design brief for the site similarly to other developments such as the land opposite the High School.
- The application contains inaccuracies including indicating that St Joseph’s School was quoted as being near but has in fact closed. The site is steeply sloping and most people will use private motor vehicles to access services and employment.
- Affordable housing as set out in the application does not meet affordable housing need.
- Concern that the proposal will facilitate further development by the applicants upslope from the site.
- The sewage, storm water and drinking water supplies services are not adequate and have not been upgraded.
- The proposal is not in line with the Sandford Principle and brownfield rather than greenfield land should be used.
- Detrimental impact on the setting of a scheduled ancient monument.
- The density is not appropriate.
- The landscape and visual impact assessment conclusion is not correct and does not consider the impact of the proposal on the conservation area. The development will become the visual boundary to Brecon unlike Eluned’s Drive which is backed by a higher hill.
- The site is visible from the A40(T) and will develop into the green space above Camden Crescent with a negative visual effect of sprawling development. It would change the character of this area of Brecon, with the impression that development was spreading over the hills around the town.
- Concerned that the proposal will require the use of third party land to secure visibility to the site.
- Internal gradients and radius in the site are difficult to negotiate due to the constrained sloping nature of the site.
- Concern regarding water supply, sewerage, drainage and run off of rain water from the site being exacerbated following development.
- Surface water draining from the site will come directly into properties on Camden Crescent. There have been existing issues with water running from the site into people’s properties.
- Insufficient information on biodiversity impact has been submitted and the impact on red kites has not been assessed.
- Bat surveys are not acceptably timed and bat boxes will not be effective mitigation / enhancement.
- The site will not create social cohesion with residents of Camden Crescent.
- The conclusions of the Landscape and Visual Impact Assessment cannot be supported and are questionable. This is particularly the case as detail of the properties, engineering operations, retaining features and access roads have not been provided.
- The visual impacts of the development are hugely under stated. The steep topography will result in estate road being cut in and embankments and cuttings through the site.
- The proposal would not be an environmentally sustainable development.
- The tree survey is out of date.
- Impact of cars leaving the site on residential properties from the headlights of vehicles leaving the site as well as air pollution from cars waiting to use the junction.
- Concern regarding the internal layout of the site and that cars will meet head on at the bend. In icy conditions cars may slide down the steep slope into vehicles or property.
- Loss of view from residential properties.
- The site in 1997 was dismissed by a planning inspector as being peripheral, prominent and visually intrusive and not included within the development plan.
- The applicant’s agent accepts that there will be a minor adverse impact on neighbouring properties. The LDP states that proposed development will only have a positive effect on adjoining residents and a minor impact is not acceptable.
- The proposal will enable future development but is being considered in isolation and will enable further development between the site and the mixed use allocation to its north.
- The internal layout is a clear indication that future development is envisaged and would allow for access to be retained to the land to the North.
- Hedgerows are shown as retained but due to the need to cut the road into the site this is not feasible.

### 7. Well Being and Future Generations (Wales) Act 2015

#### 7.1

The well-being of Future Generations (Wales) Act places a duty on public bodies to carry out sustainable development to improve the way in which we achieve the social, economic, environmental and cultural well-being of Wales. The National Park must act in accordance with the sustainable development principle and seek to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. As part of this duty public bodies must set and publish objectives which are designed to maximise its contribution to achieving each of the well-being goals. The 7 goals are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

#### 7.2

The primary objective of Planning Policy Wales Edition 10 (2018) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015.

#### 7.3

The recommendations in this report are made in line with the Strategic and individual policies within the adopted Local Development Plan. It is considered that the Local
Development Plan has been prepared to ensure the sustainable development of the National Park, particularly in relation to Environmental protection, sustainable distribution of development, housing, economic well-being, sustainable tourism, sustainable communities, sustainable infrastructure and various other considerations.

8. Planning Obligations:

8.1 Policy 53 of LDP and the Supplementary Planning Guidance (SPG) on Planning Obligations (July 2014) outline the local planning authority’s approach to the provision of contributions to planning obligations. The SPG outlines that the development issues that the National Park seeks to manage are mostly more local than strategic in nature by reason of the relative scale of development within the National Park. The relevant consultees identified in the SPG within Powys County Council have been consulted on the application.

8.2 As outlined below it is considered that a section 106 agreement should be sought to secure the provision of affordable housing and to establish a site management company.

8.3 No contribution has been requested by Powys County Council. In accordance with policy developer contributions have not therefore been sought in this case.

9 Assessment:

9.1 Strategic & Spatial Choices

9.1.1 Strategic Planning/ Development Plan context/ Principle of Development

9.1.1.1 The LDP identifies allocations to meet the need for new housing within the National Park. These allocations reflect the LDP’s spatial strategy, the need for housing and consideration of individual settlements and sites.

9.1.1.2 The site is allocated within the LDP and is identified as coming forward for development in the later part of the plan period (Table 6.1 of the LDP). The table identifies the allocation as follows: Site located to the North of Camden Crescent and East of Breconshire War Memorial Hospital, reference DBR-BR-A. The LDP identifies an expectation that the site will deliver 38 dwellings, 8 affordable housing units with an affordable housing target of 20%. The development of the site would contribute to the delivery of housing within Brecon and the implementation of the settlement strategy within the Primary Key Settlement.

9.1.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all development management decisions to be made in accordance with the development plan unless material considerations dictate otherwise. The LDP is the development plan for the purposes of 38(6) and specific material considerations must be identified to reasonably depart from its policies. The allocation within the LDP for residential use and the nature of the proposal as a residential development is in principle compliant with the development plan.

9.1.1.4 All matters are reserved apart from access. The submitted indicative layout shows the site being developed to accommodate a total of 30 dwellings. The planning statement
indicates that the proposed dwellings are 2 X 3-bed house; 2 X 2-bed house; 2 X 1-bed flat; and 24 X 3/4-bed house. The exact nature of the development is not fixed within the outline application as the layout, scale and appearance of the buildings is not established. The final proposed dwellings may be different to those detailed at outline. Within the context of the wider settlement, it is considered that a reasonable and appropriate mix of dwellings and in accordance with Policy B LP1 can come forward on the site within the parameters defined for the development.

9.1.2 Good Design/ Place making

9.1.2.1 Planning Policy Wales (Edition 10, December 2018) (PPW) states that “Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.”. Guidance on good design and place making is further expanded on in Technical Advice Note 12: Design (2016).

9.1.2.2 The application is supported by a Design and Access Statement (DAS), which offers the applicants justification in relation to the requirements for good design and place making.

9.1.2.3 Detailed consideration of access to the site is given below. Internally within the site, the scheme will be required to meet access requirements within the building regulations. The access to the site will include a footway to the front of the site which will link into the wider footway network along Camden Crescent. The indicative layout includes the design of the estate road and how this serves the dwellings through the site, using private drives to serve multiple properties. Third party representations have raised concerns about the sloping nature of the site and the highway network serving it. However it is considered that the layout of the scheme will allow for reasonable and inclusive access connected to the wider community although it is acknowledge that the sloping of the nature of the site will result in some compromise in accessibility. The illustrative layout shows how the estate road will be sloping to provide access across the hill, but the highways authority requirements will ensure that the gradients are reasonable along the main highway routes. The detail of the private drives serving properties and the layout can be considered during the detailed consideration of an outline application. It is considered that a reasonable and inclusive layout can come forward at the site and that in principle the proposal will offer a reasonably accessible development site.

9.1.2.4 The environmental sustainability policy requirement is set in the LDP paragraph 3.16.1.4 which is to meet at least the national standards set out in PPW. This requirement is set out in Policy SP11 of the plan. The minimum national sustainable building standards are delivered through the building regulations - a system of control outside the planning system.

9.1.2.5 Consideration and assessment of the character of the area is given in the DAS. The application is made in outline, however the nature of the scheme is provided including the min / max height of elements of the scheme. The illustrative layout is considered to
be largely acceptable and to reasonably efficiently use land while incorporating a highways layout that is acceptable to the local highways authority (subject to approval of detail). The proposal is considered to be a reasonable response to the established character of the area. A more detailed assessment of the visual and landscape impact and appropriateness of development is given below.

9.1.2.6 The illustrative layout shows consideration for achieving natural surveillance through the site and securing community safety. Subject to detailed consideration of the design of the scheme, in reserved matters applications, it is considered that the proposal can secure community safety through its design.

9.1.2.7 Detailed consideration is given below to movement to and from the site and its compliance with the transport hierarchy. The proposal links into and can provide appropriate options for moving through the site and into the wider transport network.

9.1.2.8 Overall, it is considered that the outline proposal demonstrates that a development of an acceptable design is possible at the site and can come forward through applications for the approval of reserved matters.

9.1.3 Impact on Amenity/ Promoting Healthier Places

9.1.3.1 PPW seeks to promote healthier places through the planning system. It notes that: the built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal.

9.1.3.2 The development is on the northern edge of Brecon. The relationship of the site to community and health assets, such as community halls, libraries, doctor's surgeries and hospitals, were considered during the preparation of the LDP. The site was considered to be reasonably accessible to a range of services and appropriate for allocation as a housing development.

9.1.3.3 Impact on residential occupiers such as: loss of light, loss of privacy, loss of outlook, loss of view and overbearing development should be considered by the planning system and are identified in national policy. TAN 12 recognises the importance of the scale of development in relation to surroundings and how the mass and height of developments can impact on privacy, sunlight and microclimate. PPW at paragraph 3.21 states “The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.”

9.1.3.4 The site is in close proximity to existing residential development which could be impacted by the proposed development. In particular properties along Camden Crescent, Eluned’s Drive are the nearest properties. It is noted that the impact of the dwellings on residential properties neighbouring the site has been raised in third party objections to the proposal. The illustrative layout provided has shown how a scheme could be constructed that limits the impact of development on amenity. In general the illustrative layout shows a form of development capable of achieving distances to and relationship between the site and neighbouring dwellings that are sufficient to limit the detrimental impact on residential amenity to an acceptable level following development.
9.1.3.5 The scale of development is likely to result in construction activities that will last for a significant period of time. As noted the site is in proximity to residential properties and accessed through residential streets. This combination of circumstances is considered to give rise to a potential detrimental impact on residential amenity from construction. Appropriate locating of onsite operations such as earth moving, aggregate mixing, crushing, screening, and onsite storage and transportation of raw material will help to reduce impacts. Appropriate locating of the storage of heavy plant and equipment, including vehicles and car parking facilities for construction site operatives and visitors and appropriate working practices will also reduce amenity impacts. These measures can all be secured through the imposition of a planning condition requiring a construction management plan as recommended by the Powys County Council Environmental Protection Officer. Construction and demolition operations, (including deliveries) can also be restricted to between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday with no operation on Sunday or public holidays. It is considered that subject to the submission of appropriate management and hours of operation the impact on neighbouring properties will be mitigated to an acceptable level.

9.1.4 The Welsh Language

9.1.4.1 The proposal is for the development of a housing allocation and the development proposed is in line with the scale of housing identified in the LDP. The Welsh language impact of the allocation was considered through the sustainability appraisal for the plan and determined to be acceptable with no mitigation identified. It is considered that the proposal will not have an adverse impact on Welsh language use in accordance with Policy 52.

9.1.5 Sustainable Management of Natural Resources

9.1.5.1 The impact of the proposal on ecosystems, ecological networks, green infrastructure and related considerations to ensure that the proposal supports the objective of the sustainable management of natural resources are considered below.

9.1.5.2 The layout has been largely informed by the constraints identified in the accompanying technical documents as well as the steep gradient of the site, the overall dwelling capacity of the site is considered to be restricted, particularly due to the topography. As such the proposed density of 15 dwellings per hectare is considered to be acceptable and is an appropriate density complementary to the existing development in the surrounding area. Policy SP 18 Sustainable Use of Land and Policy 61 of the LDP are considered to be complied with.

9.2 Active and Social Places

9.2.1 Transport / Housing – sustainable transport issues (Sustainable Transport Hierarchy)

9.2.1.1 PPW states that “It is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles”.
9.2.1.2 The site is around 300m from a bus stop on Camden Road and approximately 400m from the main bus interchange in Brecon. Footways along Camden Crescent will allow for access by pedestrians to the wider Town and to its services. Powys County Council has reviewed the application and it has been assessed by the Authority’s active travel officer. The detail of the layout is not for approval at present but it appears that the development will be able to access the public right of way through the site. The proposal also links into the footway network around the site.

9.2.1.3 Overall there is considered to be reasonable compliance with the sustainable transport hierarchy.

9.2.2 Access / Highway Safety

9.2.2.1 Policy 59 of the LDP seeks to ensure that proposed development will have an acceptable impact on highway safety and the free flow of traffic in the locality.

9.2.2.2 The vehicular access to the site is a single point of access on the southern boundary of the site frontage to Camden Crescent.

9.2.2.3 The Local Highways Authority (LHA) has requested additional information regarding the highway network serving the site and requested that additional information was submitted regarding the capacity of the junction between Cerrigochion Road and Camden Road. They also requested amendments to the access to the site to ensure that appropriate visibility could be achieved. Following the submission of additional information and the amendment to the scheme the proposal was considered to be acceptable by the LHA.

9.2.2.4 Highway safety and capacity of the public highway serving the site have been a concern of many neighbouring residents. Concerns include the capacity of the junction of Camden Road, Cerrigochion Road and Heol Gouesnou; the current on street parking; visibility at the entrance into the site and the layout of development. There is a general concern regarding the nature of the highway network serving the site the presence of uses such as the fire station and the impact that additional traffic will have.

9.2.2.5 Overall it is considered that there are limitations to the highway network serving the site, but the information submitted and reviewed by the LHA has reasonably demonstrated that there is capacity to serve the development proposal without an unacceptable impact. The scheme, as amended is also considered to provide an appropriate vehicular access into the site of development. The proposal will have an acceptable impact on highway safety and the free flow of traffic on the public highway and is in accordance with policy 59.

9.2.2.4 The route of the public right of way will remain through the site and the applicant has indicated that they do not intend to alter it and that it will remain open and unobstructed. Detailed consideration of the integration of the right of way into the scheme can be provided and considered at the determination of the layout reserved matter. The illustrative scheme shows a reasonable approach to this issue.

9.3 Productive and Enterprising Places
9.3.1.1 Paragraph 1.1.5 of Technical Advice Note 23: Economic Development states that "Economic land uses also include construction, including house building, but housing once built is not an economic land use because it does not directly generate wealth, jobs and income. It is the final use of land which is the important issue." The economic benefits accruing from construction can be given some weight in decision making but it is not considered that these would be of significant weight.

9.4 Distinctive & Natural Places

9.4.1 Landscape/ Visual Impact

9.4.1.1 Policy SP1 'National Park Policy' states that developments in the National Park will be required to comply with the purposes and statutory duty set out in legislation and will be permitted where it conserves and enhances the natural beauty, wildlife and cultural heritage of the Park and/or provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those qualities.

9.4.1.2 The impact of the proposal on the landscape character of the rural fringe of Brecon can be considered against the relevant criteria of policy 1 'Appropriate Development in the National Park' of the LDP as follows.

i) the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment;

ii) the proposed development is integrated into the landscape to the satisfaction of the NPA through planting and appropriate management of native species or through the construction of appropriate boundary features.

9.4.1.3 Policy BLP1 'Brecon Appropriate Development' requires a positive contribution to the settlement character and enhance the quality of the landscape.

9.4.1.4 The site is located at the edge of Brecon and forms the beginning of the differentiation between agricultural land and urban form at the edge of the town. The site extends development out to the north of Brecon and will form an extension of the built form into an area of undeveloped land. The site is sloping from south to north and the site would be at a similar elevation and extent to the neighbouring development along Eluned's Drive. Views are afforded of the site from the upland areas, particular from the north and across the centre of Brecon to the South. The proposal is supported by a Landscape and Visual Impact Assessment (LVIA).

9.4.1.5 The LVIA submitted by the applicant states that: "taking into account the construction stage, immediately after construction and when mitigation planting becomes established. The evaluation does take account of the full range of mitigation measures which are proposed. The development is set within the existing field pattern and only minor sections of boundary vegetation are removed for access. New planting to enhance mature field boundary hedgerows will be part of long term sustainable management regime for these important landscape features. New native species-rich hedgerow planting will be implemented along the upper boundary of the development site, providing local visual containment and contributing to local landscape character." The LVIA further concludes that the development will appear as only a minor extension of the urban area, comfortably
assimilated into the wider landscape by a combination of existing and proposed planting. The predicted effects of this development would therefore be acceptable in landscape and visual terms.”

9.4.1.6 The impact of the proposal on the wider landscaping and setting of the town of Brecon have remained a significant concern to residents. They are also particularly concerned that an outline planning application of this nature does not give sufficient certainty that the development is acceptable and appropriate for the elevated position on the edge of Brecon. They point towards the need to profile the site to accommodate the development and to undertake cut and fill on the hillside to facilitate the development. The relative prominence of the site and that it forms a backdrop to the town has been identified by third parties, as well as the potential for the site to impact on views from and to the Conservation Area. Many residents have identified the site as being particularly prominent and sensitive in its relationship to the town.

9.4.1.7 The principle of the residential development of this site has been established in the LDP. The density of development is lower than required within LDP policy. The layout of the development is considered to make best use of the constraints and opportunities of the site. As noted the applicants have designed the illustrative layout to meet the adoption standards of the local highways authority and it is considered that this has led to elements of the layout. The general scale and massing of the proposed buildings as represented in the minimum and maximum dimensions and illustrative layout are considered to be acceptable. They are similar to the adjoining two storey properties on Eluned’s Drive. It is noted that the development will be taller than the adjoining Camden Crescent development which is primarily a bungalow development. It is considered that the illustrative layout shows a reasonable approach to developing the site and it is not considered that two storey properties would not be unacceptably visually intrusive at this site. It is considered that an appropriate scale of buildings, housing types and the palette of materials can come forward subject to the future approval of reserved matters.

9.4.1.8 It is clear that appropriate landscape mitigation is required. The design has largely retained the boundaries to the site with the retention of hedges and trees where possible, including at the edge of the site. The retention of these boundaries is considered to provide an appropriate setting to the development. The applicants indicate that there would be provision of new native planting with a hedgerow to the northern boundary of the site will further allow for the better integration of the site into the landscape. Landscape remains a reserved matter for future determination and it is considered that a detailed landscaping scheme can be agreed as part of a future reserved matters approval. The design of the proposal is considered acceptable and the landscaping as outlined is considered to effectively minimise the visual impact of the scheme.

9.4.1.9 The proposed development is viewed to be reasonably consistent with and appropriate to the character of the area and is in accordance with Policy SP1, criteria i) and ii) of Policy 1 and Policy BLP1 of the LDP. The exact nature of the landscaping is not clear in this application, however it is reasonably clear that elements of the landscaping for example the hedgerow to the frontage of the site to Camden Crescent will be communal. A management company it is considered should be required through a section 106 agreement to ensure that the landscaping is acceptably managed.

9.4.2 Historic Environment
9.4.2.1 In accordance with the requirements of the NP Archaeologist an archaeological evaluation has been undertaken at the site including the undertaking of a desk based assessment, a geophysical assessment and a site excavation and evaluation. Following the completion of this works the NP Archaeologist was able to conclude that "no features of certain archaeological origin were located. No evidence of the potential, but as yet unproven, Iron Age defended enclosure (PRN 622) was identified. No further archaeological mitigation is required."

9.4.2.2 The application was referred to Cadw who concluded that the proposal would not have a detrimental impact on the setting of the scheduled ancient monuments in the vicinity of the site. The comments of the National Park Authority Archaeologist identify the significance of the historic landscape, noting that the application site is located within the Middle Usk Valley Registered Historic Landscape. The site is allocated for development within the development plan and consideration of the wider impact on these features were considered during the preparation of the development plan. Landscaping and design of the finalised scheme will secure mitigation of any impacts on these features.

9.4.2.3 The Senior Heritage Officer (Building Conservation), notes that the site will not have a significant impact on the setting of the Brecon Conservation Area in short distance views. They note that the site will be visible in longer distance views into the conservation area and that the site forms a backdrop. Developing the site, particularly the higher section could have an impact on longer distance views into the Conservation Area. The reserved matters details of the scheme, including materials and landscaping within the site are considered sufficient to ensure that the development recedes rather than stand out in these longer distance views. It is considered that the illustrative and indicative information submitted are likely to allow for a scheme to be submitted under a reserved matters proposal which would be acceptable in terms of its impact on the conservation area.

9.4.2.4 The Senior Heritage Officer (Building Conservation) advises that the proposal would not have a significant impact on the setting of the nearby listed buildings or locally listed buildings on Camden Road or Alexandra Road. The prominence of the site on the valley side would mean the development would be seen in the context of listed buildings in longer distance views. This is particularly relevant to landmark buildings such as St. Mary's church which has a setting extending far beyond its curtilage. Subject to appropriate materials and landscaping being submitted at the reserved matters stage, it is not considered that proposal would have an unacceptable impact on the setting of these buildings.

9.4.2.5 Overall the proposal is considered to have an acceptable impact on heritage and to be in compliance with the requirements in LDP policies 1, 17, 21 and 22.

9.4.3 Green Infrastructure

9.4.3.1 The proposal will result in the loss of green infrastructure due to the land take of the new dwellings proposed. Mitigation for this impact includes the provision of a landscaping scheme through the site and works to improve the amenity area to the east of the site. Generally where possible the site has retained green infrastructure features, particularly with the retention of trees and hedgerows at the site. New planting is also proposed and can be secured by condition. Overall it is considered that it will retain and provide some
green infrastructure enhancement.

9.4.4 Biodiversity

9.4.4.1 Section 6 of the Environment (Wales) Act 2016 states that 'A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.'.

9.4.4.2 Regulation 9 of the Conservation of Habitats & Species Regulations 2010 (as amended) requires LPA's to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

i. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

ii. That there is "no satisfactory alternative"

iii. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

9.4.4.3 The adopted Local Development Plan also includes policies regarding ecological issues and safeguarding biodiversity as listed above.

9.4.4.4 The applicant submitted supporting ecological surveys and mitigation / enhancement proposals for the site. These were considered by both Natural Resources Wales (NRW) and the National Park Planning Ecologist. The NP Planning Ecologist noted that the supporting information demonstrated that "the fields are semi-improved, with the northernmost field being considerably more species-rich observed by the presence of anthills, and plant species including birds's foot trefoil, yarrow, red clover. The boundary hedge along the south-western edge consists mainly of hazel, elder, holly, Rosa, and yew. The dividing hedgerow between the two open fields consists of hawthorn and hazel. A mature oak tree is situated next to the proposed access between the two fields. The more southerly field is less species-rich and supports more nettles and thistles. The hedgerow in the NW corner of the southern field has been removed and is gappy in places so would benefit from reinstatement."

9.4.4.5 In order to effectively mitigate the impact of development the NP Ecologist has advised that new hedgerow planting should also be secured along the south-west boundary of field two within the application site. It is also noted that there will be opportunities for additional shrub and/or tree planting in the boundary hedge between field one and field two. A landscaping scheme using native species can be secured as a reserved matter through planning condition. Appropriate and sensitive lighting will also be required to avoid light spill towards bat roosting areas or wildlife corridors. This can be secured by planning condition.

9.4.4.6 The site proposes to discharge surface water into the Dwr Cymru Welsh Water public
surface water system. The operation and discharge from this will be regulated separately from the planning system and the proposal is not considered likely to give rise to an impact on the River Usk (Tributaries) Site of Special Scientific Interest (SSSI); the River Usk is also a SSSI and both watercourses are within the River Usk Special Area of Conservation (SAC).

9.4.4.7 To conclude, in relation to ecological impact, it is considered that the proposal will have an acceptable ecological impact, preserving features where possible at the site and securing ecological enhancement. The proposal will not have a detrimental impact on the River Usk Special Area of Conservation, will not have a detrimental impact on the favourable conservation status of protected species or protected sites and will provide biodiversity enhancement in line with the requirements of the Habitat Regulations 2010 (as amended), guidance in TAN 5 and relevant LDP policies (SP3 and Policies 3-14).

9.4.5 Flooding, Water (including foul drainage / SuDS), Air, Soundscape & Light

9.4.5.1 The application was referred to Powys County Council as Lead Local Flood Authority (LLFA) / Sustainable Drainage Approval Body (SAB) / Land Drainage Authority (LDA). The application pre-dates the requirement for the approval by the SAB.

9.4.5.2 Information submitted with the application has indicated that there are poor ground conditions at the site which will prevent the implementation of infiltration drainage. These poor ground conditions have been accepted by consultees as being reasonably demonstrated through the geotechnical and drainage report accompanying the planning application. Due to the constraints on drainage on site the applicant’s Planning Statement and Drainage Strategy Report (prepared by Roger Casey Assoc v3 dated June 2018) states surface water runoff is to be disposed/managed through the use of an attenuated drainage system connecting to Dwr Cymru Welsh Water’s (DCWW) public surface water sewer. The proposal is to throttle the flow rate to a maximum of 5 litres/second for the 6 hour 1:100 year return storm with +30% allowance for climate change. The 1:30 year attenuated storage system is to be adopted by DCWW, with the residual 1:100 year attenuation storage system with +30% allowance of climate change is to be maintained through private agreement.

9.4.5.3 As an outline planning application limited drainage plans have been prepared, the plans show off-site drainage proposals and connection to respective public foul water and surface water sewers. No proposed on-site surface water drainage details or layout drawings have been submitted to indicate how the development will be fully drained.

9.4.5.4 Drainage has been a particular concern to residents of nearby properties. Who are concerned that the proposal will result in run off from the site being increased and exposing them to greater risk of pluvial flooding from water leaving the site and running downhill from the site to properties lower down the slope.

9.4.5.5 The LLFA state that they “would advocate infiltration methods for surface water drainage disposal, the Geotechnical & Geo-Environmental Site Investigation Report prepared by Terrafirma dated May 2017, concludes that the sub-soil conditions on this site are not suitable for infiltration drainage systems. This is also borne out in the Archaeological Evaluation Report prepared by Headland Archaeology dated March 2019, in which it documents clay type soils and supporting photographic evidence.” The LLFA has advised
that they have no objection to the surface water drainage proposals, as proposed in the Roger Casey Assoc Drainage Strategy report v3 dated June 2018, being implemented on this site.

9.4.5.6 The site is not in an area of fluvial flood risk as identified in Technical Advice Note 15: Development and Flood Risk. Consultation responses from the LLFA / LDA did not identify flood risk from other sources to the site.

9.4.5.7 The application was consulted to Dwr Cymru Welsh Water (DCWW) who did not offer an objection to development and have indicated that they will accept flows from the site if they are appropriately attenuated as proposed in the applicant's drainage strategy. Detail of the drainage scheme to reflect the final scheme layout can be agreed as a planning condition.

9.4.5.8 A lighting scheme will be secured by planning condition to ensure protection of wildlife and this scheme can also ensure that lighting is appropriate for the site in terms of its impact on dark skies.

9.4.5.9 The submitted information in relation to surface, foul and land drainage is reasonably detailed and comprehensive. A fully detailed scheme to reflect the finalised scheme within a reserved matters application can be submitted for approval under a planning condition. It is noted that DCWW have indicated that part of the drainage scheme is likely to be subject to a private management agreement. It is considered that responsibility for this element of the scheme should be clearly identified as that of a management company constituted for the site and required through a section 106 agreement.

9.4.6 De-risking (contamination issues)

9.4.6.1 A geo-environmental report was submitted in support of the planning application. This identified the potential for radon at the site. This can be appropriately addressed through the building regulations. A condition covering unexpected contamination is recommended by the PCC Contaminated Land Officer and this can be imposed on any consent. The proposal is in accordance with relevant policy in PPW.

9.5 Response to the Town Council’s and third party representations

9.5.1 Brecon Town Council has objected to the application and raised numerous concerns regarding the development and the supporting information submitted. Issues related to the density of development, landscape and visual impact, residential amenity, habitat, transport are addressed above.

9.5.2 Compliance with the Well Being of Future Generations Act and the changes since the adoption of the Local Development Plan are raised by the town council and third parties. The option of using alternative brownfield development opportunities is also raised and the necessity of development when there are alternative sites for development available. While noting these comments the site is identified for residential development within the adopted development plan. This allocation reflects the plans settlement strategy and the objectives of the LDP in supporting housing in Brecon. It is further noted that the Authority cannot demonstrate a five year housing land supply which is indicative of the need for allocated sites to come forward and deliver the housing envisaged within the
development plan.

9.5.3 Third party objections to the application raise a wide variety of issues. The main material considerations in assessing the application have been identified through the report and considered including the related matters raised by neighbours and third parties. Other matters raised by third parties and neighbours have been considered and taken into account when reaching a recommendation on the proposal.

10 Conclusion

10.1 The proposal is to develop a housing allocation within the adopted development plan. The proposal has been made in outline only with other matters apart from the access arrangements reserved for future determination.

10.2 The proposal is recommended for approval and is in line with the requirements of the development plan. A refusal of planning permission would likely prevent the benefits of the scheme primarily through the provision of housing coming forward. If permitted the proposal would allow for a development that would be adequately mitigated and form a sustainable development in line with the requirements of Planning Policy Wales (Edition 10, December 2018).

10.3 The proposal is in accordance with Policies SP1, 1, SP3, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 21, 22, SP4, SP10, SP11, BL1P1, BL2P1, SP5, 24, SP6, 28, SP15, 50, 53, SP16, 54, 56, 58, SP17, 59, 60, SP18 and 61.

10.4 A section 106 agreement is required to secure the provision of affordable housing at the site and it is considered that a management company should be established to ensure the provision of ongoing management of any amenity areas, landscaping and parts of the site drainage that is not adopted.

11. Recommendation: Permit subject to section 106 agreement

Conditions and/or Reasons:

1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later. Reason: To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
   (a) the layout of the site
   (b) the appearance of the buildings
   (c) the landscaping of the site
   (d) the scale of the development
   Reason: To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
Reason: To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans 3175- (00)02 (site location plan). The access to the development from the public highway as shown on drawings 19742/03 Rev D & 19742/05 Rev C and defined in conditions 9, 10, 11 and 14 shall be carried out in accordance with these approved highway drawings. Further plans detailing the estate road layout beyond the highway access shall be submitted as a reserved matter under condition 2 above.  
Reason: To ensure compliance with approved plans.

5. No development shall take place, including any works on site clearance, until a Construction Method Statement (CMS) has been submitted and approved in writing by the local planning authority. The CMS shall include the following detail:  
a) the means of access to the site for all construction traffic  
b) the parking of vehicles of site operatives and visitors  
c) the management of the vehicular and pedestrian traffic  
d) loading and unloading of plant and materials  
e) storage of plant and materials used in constructing the development  
f) wheel cleansing facilities  
g) the erection and maintenance of security hoarding  
h) Measures to control the emission of dust and dirt during construction  
The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.  
Reason: In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP and in the interests of residential amenity.

6. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.  
Reason: In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP

7. No other development shall commence until the access has been 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 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. 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 for as long as the development hereby permitted remains in existence.  
Reason: In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.
8. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence. 
**Reason:** In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.

9. Before any other development is commenced the area of the access to be used by vehicles is to be constructed in full accordance with the approved highway drawings 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 11m 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. 
**Reason:** In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.

10. Prior to the occupation of any dwelling erected on the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 11 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence. 
**Reason:** In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.

11. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 11 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence. 
**Reason:** In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.

12. No surface water drainage from the site shall be allowed to discharge onto the county highway.
**Reason:** In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.

13. Prior to the occupation of any dwelling erected on the development the 2 metre wide footways and pedestrian crossing points detailed on the approved drawing shall be constructed to an adoptable standard on both side(s) of the site access and along the full frontage of the site to provide a continuous link with the existing county highway footways and shall be retained as such for as long as the development hereby permitted remains in existence. 
**Reason:** In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.

14. Notwithstanding the submitted details, within 10 days from the commencement of the development’ detailed highway engineering drawings covering the highway access works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of
construction.

Reason: In the interests of highway safety and the free flow of traffic on the public highway in accordance with Policy 59 of the LDP.

15. The development shall be implemented in accordance with the recommendations in:
   a. Section 6 of the Extended Phase 1 Survey Report dated June 2017
   b. Section 1 of the Tree and Transect Bat survey dated 9th July 2019
   c. The Herptile Mitigation Strategy – Land North of Camden Crescent, Brecon, Powys, LD3 7BY - Letter-style report from Ecological Services Ltd dated 26th June 2019

16. Prior to the commencement of development works, a Landscape and Ecological Enhancement and Management Plan (LEEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include reference to the Biodiversity in the Towns of the Brecon Beacons Supplementary Planning Guidance, the Section 7 List of Priority Habitats and Species under the Environment (Wales) Act 2016 and particularly include the following measures:
   a. Retention of existing trees and hedgerow habitats where possible
   b. Creation of a new hedgerow boundary along the north-east boundary of
   c. Provision of at least 30 features for bat roosting and bird nesting
   d. Reptile habitat creation
   e. Creation of an area of wildflower meadow in the land to the north-east of the development
   f. Wetland and grassland habitats within the Drainage Strategy
   g. Provision for the long-term management of the above habitats for at least 10 years
   h. A programme of habitat monitoring and provision for remedial measures as necessary

   The scheme shall be implemented in accordance with the approved details and maintained thereafter.

17. Prior to the commencement of development, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid conflict with bat mitigation/enhancement measures and wildlife corridors and shall be implemented as approved.

18. Prior to any site clearance, demolition or construction works commencing on site, a tree protection plan in accordance with ‘BS5837 : 2012 Trees in relation to design, demolition and construction - Recommendations’ - should be submitted showing the proposed layout and the type and position of the protective fencing to be erected around the retained trees / hedges.

19. The tree protection measures agreed under condition 19 shall be erected and made available for inspection by the Local Planning Authority for a period of 14 days prior to any site clearance or construction works taking place on site. The tree protection measures shall be retained in full for the duration of development.

20. In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be
prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development. 

*Reason:* 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.

21. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The design of the surface water drainage scheme shall be in accord with Roger Casey Assoc Drainage Strategy report v3 dated June 2018. The approved scheme shall be completed before any dwellings are occupied. The scheme shall show the foul water drainage design. 

*Reason:* To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

22. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5 l/s. 

*Reason:* 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.

23. No land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

*Reason:* 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.

22. If non-permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway. 

*Reason:* To ensure that no surface water runoff from the new driveway runs onto the adoptable highway.

23. All works and ancillary operations (including excavations and earth moving) 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 and rock, from the site must also only take place within the permitted hours detailed above. 

*Reason:* To ensure appropriate protection of residential amenity.
24. No development shall take place until details of the proposed slab finished floor levels and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details. 

*Reason:* In the interests of the character and appearance of the area in accordance with Policy 1 of the LDP.

25. A plan indicating the positions, height, design, materials and type of boundary treatment, including details of any retaining walls to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved within six month of the occupation of any dwelling hereby approved. 

*Reason:* In the interests of the character and appearance of the area in accordance with Policy 1 of the LDP.

**Informatives**

1. 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.

2. The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

3. A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at: https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en

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

NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX Tel: 0300 065 3000

5. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

6. All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

7. Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.
### Building parameters

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