

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application No:** M/2003/0613 **Grid Ref:** 310467.85 306612.46

**Community Council:** Llanfair **Valid Date:** 04/06/2003 **Officer:** Steve Packer

**Applicant:** M D Broxton & Co Castle Works, Hendomen, Montgomery, Powys

**Location:** Former Morgan Bros depot, Bridge Street, Llanfair Caereinion, Welshpool, Powys, SY210SA

**Proposal:** Erection of 10 dwellings, conversion of existing building into 2 self contained residential units, erection of a building to form 10 self contained residential units, construction of vehicular access and car parking

**Application Type:** Application for Full Planning Permission

### Reason for Update:

Following further consideration and a review of the conditions proposed in the report it is recommended that these conditions be amended to reflect the fact that the development has been commenced in advance of any approval being issued and to include additional highway recommendations.

The recommendation is one of conditional consent (part retrospective) subject to the signing of a Section 106 Agreement relating to a financial contribution of £10,000 towards recreational facilities and the provision of a footpath link to Glan-yr -Afon, and the following revised conditions:

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from.....
2. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E and part 2, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, additions, roof alterations or buildings, gates, fences, walls or other means of enclosure shall be erected other than those expressly authorised by this permission and shown on the approved plan
3. Prior to their first use full details or samples of materials to be used externally on walls and roofs of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
4. Areas of hard surfacing and the gabion and retaining walls on the south east boundary of the site within the development hereby permitted shall be constructed in materials of a type and colour to be agreed in writing by the Local Planning Authority prior to their first use.
5. All hard and soft landscape works shall be carried out in accordance with the approved details(plan no:06/121/01) and the recommendations contained in the Churton Ecology

report dated 03/02/2017. The works shall be carried out prior to the occupation of any of the units numbered 3-22 of the development or in accordance with the programme to be agreed in writing by the Local Planning Authority.

6. The approved landscaping scheme shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.

7. No further works shall be carried out on site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

8. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling).

9. No further works shall be carried out on site until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development consisting of plots 3-22 is first brought into use.

10. A lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any further works being undertaken on site.

11. The development/construction platforms shall be raised/ levelled to 117.25mAOD and finished floor levels set at 117.55mAOD.

12. The level of the highway and flat parking area shall be set below surrounding ground levels.

13. Prior to any further works being undertaken on the site the alteration at the access to provide a 1.5 metre footway as specified on drawing no 25011-4-2 revision A shall be implemented to the satisfaction of the Local Planning Authority.

14. Detailed drawings showing modified bridge railings to improve visibility at the access shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of any dwelling unit on plots 3-22.

15. Prior to any further works being undertaken on site full engineering drawings detailing the construction of gabion and dwarf walls adjoining the estate access road shall be submitted to and approved in writing by the Local Planning Authority and installed at the same time as the access road.

16. The gradient of the access shall not exceed 1 in 30 for the first **9 metres** measured from the edge of the adjoining carriageway along the centre line of the access.

17. Additional clear visibility shall be provided from a point **1.05 metres** above ground level at the centre of the access and **5.5 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 **12 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway, prior to any further works on site..

18. Nothing shall be planted, erected, or allowed to grow on the areas of land so formed which would obstruct the visibility described in condition 17.

19. The area of the access to be used by vehicles is to be constructed to a minimum of 450mm depth, comprising of 350mm of sub –base material, 60mm of bituminous macadam

base course material and 40mm of bituminous macadam wearing course material, for a distance of **15 metres** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed with the Local Planning Authority prior to any further works on site.

20. Prior to the first occupation of the housing plots 3-22, provision shall be made within the curtilage of the site for the parking of not less than two cars per house and 1.5 cars per flat, excluding any garage space provided.

21. No further works shall be carried out on site until provision is 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 may park within the site and both enter and leave the site in a forward gear.

22. The estate road carriageway and one footway shall be constructed to and including base course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of any building and to the junction with the county highway before any occupation of plots 3-22.

23. 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 dwelling unit or within two years of the commencement of plots 3-22, whichever is the sooner.

24. The area of the access to be used by vehicles shall be completed to base course level, as specified in condition 19 above, before any further works are undertaken on site, and fully completed prior to the occupation of any part of the development.

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

26. No building or construction works shall take place on the site between 18.00 and 8.00 hours on weekdays and Saturdays and none at all on Sundays and Bank Holidays.

27. No further works shall be undertaken on site until the tree protection measures shown on the approved plan no 06/121/01 have been implemented in full and all construction works shall thereafter comply with the measures outlined in the Churton Ecology Report dated 03/02/2017.

28. The Habitat Enhancement Recommendations contained in section 4.3 of the Churton Ecology Report dated 3/02/2017, including amendments to plant species in the approved landscaping plan no:06/121/01, shall be fully implemented, in accordance with a scheme to be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling unit on the site.

## **Reasons**

1. To comply with Section 73A of the Town and Country Planning Act 1990.

2. In order to control further development, which has the potential to have an impact upon the integrity of the design of the development and upon the character and appearance of the surrounding area, in contradiction to Policy GP1, of the Powys Unitary Development Plan (2010), and Planning Policy Wales (2016).

3. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1, GP3 and HP5 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

4. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development in accordance with policies GP1, GP3 and HP5 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
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, HP5, and ENV2 of the Powys Unitary Development Plan (2010).
6. 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, HP5, and ENV2 of the Powys Unitary Development Plan (2010).
7. In order to ensure the provision of affordable housing in accordance with Policy HP9 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
8. In order to ensure that the dwelling serves an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP9 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
9. To ensure that the development is provided with a satisfactory means of sustainable drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies DC10 and DC13 of the Powys Unitary Development Plan (2010).
10. To reduce the impact on wildlife and protected species in accordance with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 5: Nature Conservation and Planning (2009).
11. To minimise risk in the event of extreme flooding events and minimise impact on flood flow routes in accordance with Policy SP14 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 15: Development and Flood Risk (2004).
12. To maintain a flood flow route through the site if required during an extreme event in accordance with Policies SP14 and DC13 of the Powys Unitary Development Plan (2010).
- 13-25. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
26. In the interests of the protection of the amenity of local residents and in accordance with Policy GP1 of the Powys Unitary Development Plan (2010).
27. 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, HP5, and ENV2 of the Powys Unitary Development Plan (2010).
28. In the interests of the protection of species and enhancement of biodiversity on the site in accordance with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

## **Notes**

Severn Trent Water advise that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provision of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

If you require any further information please contact 01902 793883.

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage

Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non-statutory national standards and guidance can be downloaded from The Welsh Government's website at

<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas. They also contain links to additional supporting information relating to SuDS.