

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

# UPDATE REPORT

<b>Application No:</b>	P/2017/0571	<b>Grid Ref:</b>	312659.85 326184.17
<b>Community Council:</b>	Llanrhaead	<b>Valid Date:</b>	<b>Officer:</b> 18/05/2017 Eddie Hrustanovic
<b>Applicant:</b>	Mr N Jones Tanat Valley Developments Woolston Bank Fairfields Oswestry SY10 8HZ		
<b>Location:</b>	Land adjoining Brynderw Park Street Llanrhaeadr Ym Mochnant Oswestry SY10 0JJ		
<b>Proposal:</b>	Outline application for residential development for up to 5 dwellings, formation of access road and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for update

- Additional condition (condition 20) has been added to secure a provision of on-site recreational facilities at the site, which states the following:
- Additional clarification and condition (condition 21) in respect of footpath provision under Highway access and parking requirements heading.

### Officer Appraisal

#### Additional Condition in respect of the provision of on-site recreational facilities

In respect of the cumulative development (Phase 1 and proposed Phase 2), the total amount of the dwellings will come to 10 dwellings in total, therefore Development Management considers that provision of on-site recreational facilities will be required in this instance. The following condition is recommended to be added if approval is given;

#### *Condition 20*

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

Additional clarification in respect of footpath provision under Highway access and parking requirements heading.

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the Phase 2 site would be gained off B4580 highway via new access which was consented on Phase 1 development. The speed limit at this location is 30 mph and the Highway Authority has not objected to the proposal in this respect.

The key concern of the Highway Authority during the Phase 1 application was the lack of pedestrian facilities into the village and whether the proposed footpath along the frontage of the site can be constructed.

Whilst the officers at that time considered that it would be preferable to provide a footpath into the village to benefit proposed occupiers, existing residents and highway users, it was considered that such provision was not feasible at this location. However the Members gave the Delegated authority to the Professional Lead for Development Management in consultation with the Chair and Vice Chair regarding the provision of sectional drawings in respect of highways. Therefore, the requested condition has been included with outline planning approval **P/2015/1228** (Phase 1).

Members should note that Development management has now approved the reserved matters application for Phase 1 development (P/2017/0487) including the provision of a requested pedestrian link. Therefore, Development Management recommends inclusion of an identical condition as per Phase 1 approval securing the provision of a pedestrian link. The recommended condition reads as follows:

*“Detailed cross-sections at 10 metre intervals along the B4580 highway shall be submitted for approval at the same time as the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme”.*

Therefore it is considered that adequate provision for highway access in terms of visibility, turning/parking within the current site (Phase 2) and provision of pedestrian link would be provided in accordance with UDP Policy GP4.

## **RECOMMENDATION**

Whilst the proposal is a departure from the development plan with residential development having been refused previously, the Council's current lack of housing land supply carries significant weight in favour of this development. Whilst the site is located close to the development boundary of Llanrhaeadr Ym Mochnant, it is accepted that the proposal would result in visual changes to the locality. However subject to future consideration of the design and the implementation of landscaping measures, it is considered that the proposal would not result in an unacceptable adverse impact upon the surrounding landscape, public vantage points, the identified public right of way and the historic landscape.

Following careful consideration, on balance, it is considered that the lack of housing land supply within the county warrants the approval of this development. Therefore, the recommendation is one of conditional consent subject to conditions below.

## RECOMMENDATION

### Conditional Consent

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxx in so far as the extent of the application site as indicated in drawing no: P-02.
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;*
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];*
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*
6. The affordable dwelling 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) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E 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), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
7. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

8. A detailed landscaping scheme shall be submitted at the same time as the other reserved matters. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.
9. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
10. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
11. No other development shall commence until the area of the access to be used by vehicles has been constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. No other development shall commence until provision has been 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 0.4 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.
14. The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
15. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
16. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

18. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

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

21. Detailed cross-sections at 10 metre intervals along the B4580 highway shall be submitted for approval at the same time as the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme.

## **Reasons**

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. To ensure that the development is provided with a satisfactory means of 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 GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (9th Edition, 2016).

9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 9, 2016).

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
21. In the interests of highway safety and to establish that the pedestrian footpath can be achieved in accordance with Policies GP1 and GP4 of the Unitary Development Plan (2010).