



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

**Application Number:** 22/0415/FUL

**Grid Ref:** E: 322513  
N: 329665

**Community Council:** Llansilin Community

**Valid Date:** 05.04.2022

**Applicant:** Mr D Thomas

**Location:** Land Near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU.

**Proposal:** Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective)

**Application Type:** Full Application

### UPDATE REPORT

#### Hedgerow Translocation Scheme

As noted within the main Committee Report, public representations have raised concerns over the potential adverse impact on landscape amenity and hedgerow removal and highway safety access concerns.

Whilst the Highway Authority have not objected to the development, the recommended conditions to secure appropriate access visibility would involve works to the existing hedgerow.

The applicant's agent has supplied a Hedgerow Translocation Plan and Hedgerow Translocation Method Statement which indicates the translocation of the existing hedgerow to facilitate the required access visibility splays. The plan will be included on the presentation during the Committee meeting.

The translocation of the hedgerow would not result in the loss of a hedgerow and the submitted method statement includes appropriate aftercare measures. It is also noted that the hedgerow has a wider connectivity to the south and therefore the small loss of hedgerow in this location would not negatively impact upon protected or priority species

within this location. As such it is considered that the development does not conflict with LDP Policy DM2 or DM13.

It is noted from the previous committee report that given the retrospective nature of the application, 30 days was recommended to secure the access improvement works. To complete the necessary hedgerow translocation works and to secure appropriate contractors etc to complete the works it is considered that extending this period for compliance to 60 days instead would be more reasonable and in line with the tests for a sound condition.

The conditions will therefore be amended below to reflect this amendment and to ensure they are in line with the recommendations as outline within the hedgerow translocation method statement.

### Community Council Comments

Members are aware that concerns have been raised by the public that the Llansilin Community Council comments included within the planning report are incorrect.

The comments from Llansilin Community Council dated 14<sup>th</sup> May 2022 as outlined within the Committee Report were submitted in respect to application 22/0415/FUL through the online comments facility. These comments have not been formally retracted but additional comments from the Community Council was then submitted by the same process on the 26<sup>th</sup> September 2022. Both Community Council comments were therefore included within the Committee Report for Members consideration.

### **RECOMMENDATION – Conditional Consent**

In light of the above assessment, it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

### **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 the date of consent.

2 The development shall be carried out in accordance with the following approved plans and documents:

Application Form (dated: 10/03/2022)

Location Plan (Drawing No.: RJC-MZ745-06)

Block Plan (Drawing No.: RJC-MZ745-07)

Proposed Elevation and Floor Plan (Drawing No.: RJC-MZ745-08)

Justification Statement (Dated: February 2022 and Received: 6<sup>th</sup> April 2022)  
Hedgerow Translocation Plan (Drawing No.: RJC-MZ745-09)  
Hedgerow Translocation Method Statement (Received on: 29<sup>th</sup> September 2022)

3. Within 6 months of the date of this permission hereby approved, at least two bat or bird boxes shall be erected on the exterior of the building and shall be retained thereafter for as long as the development remains in existence.
4. Within 60 days of the date of this permission the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 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.
5. 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.
6. Within 60 days of the date of this permission the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15m 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.
7. Within 60 days of the date of this permission 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 Local Planning Authority) for a distance of 15 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.
8. Within 60 days of the date of this permission a radius of 10 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
9. The width of the access carriageway shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
10. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the

first 15 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.

11. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and 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.

12. No surface water drainage from the site shall be allowed to discharge onto the county highway.

13. The use of the building for machinery/vehicle repairs and servicing shall not be carried out outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and 0800 to 1300 on Sundays.

14. Within 6 months of this permission hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

16. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

17. The Hedgerow Translocation Scheme as shown on Drawing No.: RJC-MZ745-09 shall be implemented in accordance with the Hedgerow Translocation Method Statement (Received on: 29th September 2022) but notwithstanding the approved plans, timing must be completed within 60 days from the date of consent.

## **Reasons**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
- 3 To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
5. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
6. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
7. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
8. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
9. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
10. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
11. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
12. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).

13. In the interests of the amenity of the area in accordance with the requirements of Policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11).

14. To comply with Policy DM4 of the Powys Local Development Plan (2018) and meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

15. To comply with Policy DM4 of the Powys Local Development Plan (2018) and meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

16. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

17. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informative Notes**

### **1 County Highways Authority**

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

## 2. Pollution Prevention

Due to the presence of an onsite watercourse, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link: [Guidance for Pollution Prevention \(GPPs\)](#)