

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 24/0741/FUL
Grid Ref: E: 312724
N: 325959
Community Council: Llanrhaeadr-Ym-Mochant
Valid Date: 10.06.2024

Applicant: Ms Nicola Downes

Location: Development Land West of Maes-Yr-Esgob, Llanrhaeadr-ym-Mochnant, Oswestry, Powys, SY10 0LL

Proposal: Residential development of 18 affordable dwellings, creation of new access roads and associated works

Application Type: Full Application

Reason for Committee determination

The application is classified as a major development and is submitted on behalf of Powys County Council.

Consultee Responses

Consultee	Received
Environmental Protection	14th Jun 2024

As the foul drainage will be disposed by the public sewer I have no objection to this aspect.

Environmental Protection	14th Jun 2024
--------------------------	---------------

1. Information submitted in support of planning application 24/0741/FUL confirms that the proposed development will comprise of 18 residential dwellings and will provide a total of 38 car parking spaces.

At the proposed scale, the application proposal meets the definition of 'major development' as defined under Part 1, Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 i.e., development involving 'the provision of dwellinghouses where- the number of dwellinghouses to be provided is 10 or more [The

Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (legislation.gov.uk)].

As the proposal meets the definition of 'major development' it has been screened further using the 'Stage 1 Criteria' provided in Table 6.1 of the EPUK (EPIC)/IAQM document 'Land-Use Planning & Development Control: Planning for Air Quality' [Guidance - IAQM]:

Screening against the Table 6.1 (above) confirms that the proposed development exceeds the '10 or more residential units' and 'the development has more than 10 parking spaces' criteria and should be screened further against the 'Stage 2' criteria, as presented in Table 6.2 of the EPUK (EPIC)/IAQM guidance.

Therefore, it is requested, as a minimum, appropriate 'Stage 2' screening of the impacts of the proposed development on local air quality should be provided in support of the application for planning permission. The screening must be undertaken by a competent, experienced and qualified air quality professionals (e.g., IAQM members) in accordance with current guidance and good practice e.g., Defra 'Local Air Quality Management: Technical Guidance (TG22)' and EPUK & IAQM 'Land-Use Planning & Development Control: Planning for Air Quality'.

In addition, the screening should also consider the air quality impacts of any existing sources in the local area on the proposed development and possibility of cumulative impacts associated with any other consented developments in the local area.

2. Any good design principles that will be implemented as part of the proposed development, which will assist with the reduction of any emissions and potential air quality impacts, should also be confirmed in the screening requested above.

Section 5 'Better by Design', of the EPUK/IAQM guidance document 'Land-Use Planning & Development Control: Planning for Air Quality' [Guidance - IAQM], provides details explaining the good design principles that can be implemented to reduce emissions and potential air quality impacts.

Environmental Protection

8th Aug 2024

The following information has been submitted in support of planning application 24/0741/FUL:

- o Cogan Environmental Consulting Limited 'Air Quality Report: Land West of Maes-Yr-Esgob, Llanrhaeadr Ym Mochnant' (ref: COGAN_P1019A_A2) 03/07/2024.
- o Asbri Planning Ltd 'Planning Statement: Land West of Maes yr Esgob, Llanrhaeadr-Ym-Mochnant' (ref: 23.213) May 2024.

- o Acstro Ltd 'Transport Statement: Maes yr Esgob, Llanrhaeadr-ym-Mochnant, Powys' May 2024.
- o Tir Collective Limited 'Green Infrastructure Strategy/Statement' (ref: GI.1) 13 May 2024.
- o Tir Collective Limited 'Landscape Strategy' (ref: LA.1) 13 May 2024.

Based on the information submitted, in the above referenced sources, the following is provided for the consideration of Development Control:

1. Section 9 'Mitigation Measures' of the 'Air Quality Report' (ref: COGAN_P1019A_A2) outlines that the proposed development includes the following good design and best practice measures:

- o All proposed dwellings will have capacity for electric vehicle charging points.
- o Pedestrian and cycle access, helping to promote sustainable modes of transport.

In addition, the 'Green Infrastructure Strategy/Statement' (ref: GI.1) and 'Landscape Strategy' (ref: LA.1) present the green infrastructure and landscaping plans for the proposed development, and under section 'Energy' of the 'Planning Statement' (ref: 23.213) the following is stated:

- o [Para 4.19] "The space heating of the proposed dwellings will be facilitated by air source heat pumps with wet radiators. Hot water will be provided with these air source heat pumps via a hot water cylinder."
- o [Para 4.20] "[...] the proposed dwellings will have a ventilation system that includes heat recovery to reduce energy demand, in addition to roof mounted solar PV arrays to further offset any energy and carbon usage. This is considered to represent a development which is sustainable in nature and complies with the overarching aims and goals stipulated within national planning policy and guidance on energy generation and use."

The implementation of the above referenced measures and plans will assist with minimising any local air quality impacts associated with the proposed development and ensure that it is consistent with the sustainable design principles set out in Welsh Government legislation and current air quality and planning policy guidance e.g., 'The Well-Being of Future Generations Act 2015'; 'The Clean Air Plan for Wales: Healthy Air, Healthy Wales'; 'The Environment (Air Quality and Soundscapes) (Wales) Act 2024'; and 'Planning Policy Wales'.

Therefore, it is recommended that the operational phase measures and plans outlined above are secured under appropriate planning conditions and, where possible, secured in perpetuity - to ensure their presence and maintenance over the lifetime of the proposed development.

2. Under the section 'Further Mitigation' of the 'Air Quality Report' (ref: COGAN_P1019A_A2) the following is stated:

o [Para 9.2] "During the construction phase a package of mitigation measures will be implemented to minimise dust effects and continuous measurements will be undertaken to monitor dust levels and take remedial action as necessary. Details of the mitigation measures are set out in Technical Appendix - Annex 6: Construction Dust Impacts."

o [Para 9.3] "A Construction Environmental Management Plan (CEMP) will be prepared by the contractor that will incorporate the package of mitigation measures and will be agreed prior to construction works. This will include site management measures to record and respond to all dust and air quality pollutant emissions complaints, make a complaint log available and record any exceptional incidents that cause dust and air quality pollutant emissions. Regular site inspections will be carried out to monitor compliance with the CEMP, including recording inspection results and making inspection logs available to the Council."

The requirements for a Construction Environmental Management Plan (CEMP), to manage dust emissions during the construction phase of the proposed development, should be secured under an appropriately worded planning condition, and the CEMP should be produced following the recommendations and advice provided in Annex 6 'Construction Dust Impacts' of the Cogan Environmental Consulting Limited: 'Air Quality Report' (ref: COGAN_P1019A_A2).

Cadw

No response received.

Hafren Dyfrdwy

24th Jun 2024

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Condition

The development hereby permitted shall not commence 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 is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be

considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. Severn Trent objects to any proposal to dispose of surface water to a combined or foul sewer

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality

Should you require any further information please contact us on email below.

Hafren Dyfrdwy

12th Dec 2024

Having received the additional information consultation for the above planning application, I have the following comments to make.

Waste Water - There has been no foul sewage proposal plan provided for this site - please provide this in order that we can comment.

Surface Water - The applicant hasn't provided any evidence to say that they have investigated soakaways or any other alternative sustainable drainage.

Before we would consider a connection to the public surface water sewer for surface water discharge, we would request that soakaways and other Sustainable Drainage techniques (SuDs) are investigated. These alternative techniques should be explored to minimise run-off, for example, soakaways, green roofs, swales and other above ground detention SuDS. Further information is available in The SuDS Manual (C753F) www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C753F . If these are proven to not be feasible on site (with satisfactory evidence) we would consider a connection to the

public surface water sewer with flows restricted (please provide calculations on how the proposed rate was achieved). Application states a throttle connection to Hafren Dyfrdwy surface water sewer would be required if ground not suitable for soakaways but has provided no proposed flow rates. Flow rates to be provided if this option is required

If the applicant has discussed this site with HD previously, such as via a Development Enquiry, please provide the latest correspondence and relevant SAP reference number.

We therefore would ask for the drainage related condition requested 24/06/2024 to be applied

PCC-(N) Highways

13 Jan 2025

I can confirm that the Highway Authority are in support of this particular application, and appropriate conditions will follow.

Natural Resources Wales (Mid Wales) 24th Jun 2024
DPAS

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 12 June 2024.

We have no objection to the proposed development as submitted and provide the following advice.

European Protected Species (EPS)

We note the bat report submitted in support of the above application (by Churton Ecology, dated February 2024) has identified bats were not using the application site. We therefore have no adverse comments to make on the application as submitted.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is

published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the Developer

Pollution Prevention

During the construction phase you should 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 Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website.

If you have any queries on the above, please do not hesitate to contact us.

Natural Resources Wales (Mid Wales) 26th Nov 2024
DPAS

Thank you for re-consulting us on the above, which we received on the 25/11/2024.

We note the new information consists of a drainage strategy plan, ecological mitigation plan and green infrastructure statement submitted in support of the application. We do not consider this additional information changes our previous advice (Reference CAS-258063-K2J9 dated 2406/2024) or matters listed on our consultation topic checklist. As such, we will not be providing further comments on the application at this time. Please re-consult us if further information is received that affects matters listed on our consultation topic list.

If you have any further queries, please do not hesitate to contact me.

PCC-(N) Land Drainage

16 Jan 2025

Thank you for the opportunity to comment on this application (ref: 24/0741/FUL).

PCC Land Drainage note that an area in the centre of the site is identified within Flood Zone 2 on NRW's 'Flood Map for Planning – Surface Water and Small Watercourses'. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the

development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere. As the flood risk in this location originates onsite, we would expect this surface water to be accommodated within a robust surface water drainage strategy. Having reviewed the surface water drainage strategy, from a surface water flood risk perspective, this appears to have been addressed. However, we would recommend confirming that any attenuation or infiltration features would be designed to accommodate the 1 in 100 year event plus 40% climate change and factoring urban creep, and offsite runoff to be limited to the 1 in 1 year greenfield runoff rate, unless rates are agreed otherwise with Hafren Dyfrdwy.

Furthermore, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

It appears that infiltration testing has yet to be undertaken onsite. We would recommend testing in accordance with BRE365 guidance is undertaken. Discharge to a surface water sewer is the fourth priority in the drainage hierarchy and each level should be considered in order and discounted if appropriate. Some infiltration features have overflows, whilst others don't. Testing would confirm whether drainage features will need any adjustments and / or connection to sewer. Furthermore, the 'toe drain' appears to partially infiltrate, partially connect to sewer. If not already done so, we would recommend the applicant obtains written confirmation from Hafren Dyfrdwy that this is an acceptable proposal.

Having reviewed the information provided by the applicant and taking the above comments into consideration, the SAB deem the surface water drainage strategy (SWDS) **fundamentally flawed**.

As the SAB deem the Surface Water Drainage Strategy (SWDS) as **fundamentally flawed**, the Lead Local Flood Authority (LLFA) would recommend **refusing** the application until such time as the applicant is able to demonstrate that a SAB Compliant SWDS, with any necessary consents, is designed for the site.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

Alternatively, please contact the SAB Team on 01597 827465 or via email sab@powys.gov.uk.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

Recommendation:

No objection – subject to planning conditions and/or planning obligations

Policy background:

- Planning Policy Wales, Edition 12, 2024
- Technical Advice Note (TAN) 5
- Powys Local Development Plan 2011 – 2026:
 - DM2 – The Natural Environment
 - DM4 - Landscape
 - DM7 – Dark Skies and External Lighting
- Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Environment (Wales) Act 2016

Statutory sites within 500m:

- None

Non-statutory sites within 500m:

- One ancient semi-natural woodland site 212m

Records of protected and/or priority species reported within 500m? Yes

Comments:

The application is informed by the following information:

- Lucocq, S. (16/05/2024) Arboricultural Report, Land West Of Maes-Yr-Esgob Llanrhaeadr-ym-Mochnant Oswestry Powys SY10 0LL. ArbTS.
- Thorne, R. (February 2024) Ecological Impact Assessment, Land West Of Maes-Yr-Esgob Llanrhaeadr-ym-Mochnant Oswestry Powys SY10 0LL. Churton Ecology.

Thank you for consulting me with regards to planning application 24/0741/FUL which concerns an application for a residential development of 18 affordable dwellings, creation of new access roads and associated works at Development Land West Of Maes-Yr-Esgob Llanrhaeadr-ym-Mochnant Oswestry Powys SY10 0LL.

Impacts to protected and priority sites:

There are no statutory protected sites within 500m and impacts to the ancient semi-natural woodland site can be ruled out due to the scale and nature of this development as well as the distance to the woodland sites.

Impacts to priority habitats:

The habitats currently on site are comprised of occasionally cut improved grassland and a bank of tall ruderal vegetation. The improved grassland has a low ecological value and the

ruderal vegetation would hold some ecological value however, there are currently no plans to disturb or remove this vegetation. The site boundaries are comprised of hedgerows and scattered trees of varying ecological value. Existing hedgerows, trees and shrubs within the site boundaries are to be retained. Therefore, there is to be no impacts to priority habitats to make way for this development.

Impacts to protected and priority species:

Bats

As identified in the Ecological Impact Assessment this site is relatively isolated and comprised of common habitats, with better quality foraging habitats nearby. It is possible that bats, in particular Lesser Horseshow bats, will forage and commute within this site. To reduce the potential impacts on bats during the operational phase, the green infrastructure statement states that external lighting will be minimised. Where it is used the column height will be minimised and will be directional, use of LEDs with a warm white colour and on a PIR timer. The ecological impact assessment recommends ensuring the northern boundary hedgerow remains unlit, this should help ensure bats can still use this hedgerow to commute if indeed they are currently which is not certain. The green infrastructure statement, landscape strategy and planting plan show that the site is to be enhanced with native planting of species-rich grass, trees, ground cover planting and shrubs which are likely to improve the foraging quality of the habitats on site. In addition to this it is proposed to install bat boxes within the vegetation in the northern section of the site and also installed on the new dwellings. Therefore, it is likely that the new green infrastructure features will improve the quality of the site in relation to its likelihood to support bats.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 08/23 Bats and Artificial Lighting at Night (2023). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/> Limited information on the proposed external lighting has been provided and it's recommended that submission of a wildlife sensitive lighting scheme is secured through an appropriately worded planning condition.

Birds

The site is unsuitable for ground nesting species but the boundary hedgerows could be used by birds. However, as there is no proposed works to the boundary vegetation no impacts are anticipated.

The occasionally mowed improved grassland which covers the majority of the site is not suitable habitat for reptiles and amphibians, as such they are unlikely to be present. The precautionary mitigation method included in section 5.1.3 of the ecological impact assessment report is appropriate and should be followed to ensure impacts to herptiles and hedgehogs are avoided.

Biodiversity Enhancement, Green Infrastructure and Ecosystem Resilience

This proposal covers an area of 0.8ha and will result in the loss of improved grassland which is a very low ecological value. As shown in the green infrastructure statement, the landscape strategy plan (LA1) and the planting plans 1 and 2 (LA.2 and LA.3). The northeastern and northwestern sections of the site will be retained as grassland which will be seeded with a species rich grass mix consisting of 20% wildflowers and 80% grassland. This will then be less frequently to help increase biodiversity. It is also proposed to plant various herbaceous plants, shrubs and native trees.

The Ecology Mitigation Plan (Drawing number: 23011-POW-ZZ-XX-DR-A-0108) contains details of the proposed ecological enhancements. These include three insect houses, 24 Brick Box Woodcrete bird boxes, bat boxes on each south facing gable walls, bat access points, 16 Swift best boxes, three hedgehog boxes and hedgehog fencing in the gardens of the new dwellings. The new green infrastructure features will result in a green infrastructure net gain and ensure compliance with the Environment (Wales) Act 2016 to maintain and enhance biodiversity.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

1. The development shall be undertaken in strict accordance with the biodiversity enhancements shown in the Ecological Mitigation Plan (drawing number: 23011-POW-ZZ-XX-DR-A-0108 Rev.P05). The measures identified shall be adhered to and implemented in full.
2. The development shall be undertaken in strict accordance with the Landscaping Plan shown in the landscaping strategy (Drawing number: LA.1), planting plan 1 (Drawing number: LA.2), planting plan 2 (Drawing number: LA.3), planting specifications (Drawing number: LA.4) and the green infrastructure statement. The measures identified shall be adhered to and implemented in full.
3. 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 08/23 Bats and Artificial Lighting at Night (2023) (or its replacement). The development shall be carried out in accordance with the approved details.
4. The development shall be undertaken in accordance with the precautionary mitigation method statement included in section 5.1.3 of the ecological impact

assessment report. The measures identified shall be adhered to and implemented in full.

5. The development shall be undertaken in accordance with the Tree Protection Plan included in Appendix 4 of the Arboricultural Report. The measures identified shall be adhered to and implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informatives:

The following advice for the applicant is also considered appropriate

Protected Species

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 by phone at 0300 065 3000.

Birds – Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- *intentionally kill, injure or take any wild bird*
- *intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built*
- *intentionally take or destroy the egg of any wild bird*
- *intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.*

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- *Intentionally kill, injure or take any bats.*
- *Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.*

Under the Habitats Regulations it is an offence to:

- *Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.*

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- *Intentionally kill or injure these species of reptiles,*
- *Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.*

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

PCC-Affordable Housing Officer

28th Jun 2024

Housing need

Below is a summary of registered housing need for affordable housing.

Powys Common Housing Register for Social Housing

Llanrhaedr | Llanrhaedr

June 2024

1. Summary

households in band 1-3 with 1st preference:	12
households in band 1-3 with 2nd or subsequent preference:	57
households with a local connection:	28

2. Housing Need and Demand

Band 1, 2 and 3: Households that are in housing need.

Band 4: Households that are not in housing need, but would like to move.

Band 5: Households with and without housing need, but not ready to move.

Number of bedrooms is average of minimum and maximum number of bedrooms required as registered on the CHR. Totals may differ due to rounding.

Households registered with first preference.

1 st choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	5	5	2	1	0	12
Band 4,5	7	2	4	0	0	13
Total	12	7	6	1	0	25

Households registered with second or subsequent preference.

2 nd choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	32	17	4	5	0	57
Band 4,5	34	24	17	5	1	81
Total	66	41	21	10	1	138

Households registered with any preference (both tables above combined).

1 st or sub choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	37	21	6	6	0	69
Band 4,5	41	26	21	5	1	94
Total	78	47	27	11	1	163

More information about the common housing register "Homes in Powys" is available on the website www.homesinpowys.org.uk.

There is evidence of need for the proposed affordable homes. The scheme is included in the Programme Delivery Plan for grant funded affordable housing.

Space requirements

Planning Policy Wales Edition 12, section 2.4.30, states:

"All affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government's development quality standards."

The standards are set out in the Welsh Development Quality Requirements 2021. The standards are published here <https://www.gov.wales/sites/default/files/publications/2021-08/development-quality-requirements-for-housing-associations.pdf>.

"The standard will be applied in full to all publicly-funded affordable housing schemes submitted to Welsh Government at "concept" stage for technical scrutiny from 01 October 2021."

The homes are grant funded. The proposed affordable homes must meet the WDQR 2021 requirements, as noted in section 4.4 of the Planning Statement.

Page 2 of 3

Affordable Housing Scheme document

It is advised to complete the template affordable housing scheme. The template can be accessed here <https://en.powys.gov.uk/article/9262/Affordable-Housing-Schemes>.

"Proposals for or involving affordable housing need to include detailed information on how the affordable housing will be provided and how it will be ensured that the housing remains available and affordable to those in local need. This information will need to be set out in an Affordable Housing Scheme."

Other comments

If there are any queries, please do not hesitate to contact me.

Dyfed Powys Police

No response received.

Mid & West Wales Fire & Rescue 16th Jun 2024
Authority

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning

committee/applicant. It is important that these matters are dealt with early on in any proposed development:

O The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the current version of Approved Document B (Wales).

The plan/s has been retained for record purposes.

PCC-Outdoor Leisure & Recreation 17th Jun 2024
(North)

Powys County Councils Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP & LEAP planning arrangements included in the Six Acre Standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance (TBC), then the Countryside & Outdoor Recreation Service would seek a monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest on this occasion because PCC has not got a play facility in the area, if any 106 contributions for play is available, then the offer should go to Llanrhaeadr-ym-Mochnant, Community Council who own and maintain the nearest public play facilities.

PCC-Schools Service

No response received.

Community Council

No response received.

Ward Councillor

No response received.

Representations

Following the display of site notices on 24 June 2024 and publicity in the local press on 19 July 2024, one public response neither objecting to or supporting the planning application have been received and are summarised as follows:

The lack of family housing is an issue, we need more 3 bed homes. Smaller homes merely serve as a stepping stone for starting a family then they move on to another town with larger homes therefore not contributing to the building of a community in Llanrhaeadr Ym Mochnant.

Planning History

No recent planning history noted.

Principal Planning Constraints

Historic Landscapes Register	Tanat Valley
LDP Development Boundaries	Llanrhaeadr-ym-Mochnant
LDP Residential Allocations	Land at Maes yr Esgob, Llanrhaedr
NRW Surface Water and Small Watercourses Flood Zone	Flood Zone 2
Welsh Language Stronghold	Llanrhaeadr Ym Mochnant

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 12, February 2024)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN20	Planning and the Welsh Language		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026

H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM12	Development in Welsh Speaking Strongholds	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste Developments Within	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site location and description

The application site is located to the east of Maes Yr Esgob, north of the B4580, and comprises an irregular shaped vacant field parcel measuring approximately 0.8ha in size, which slopes steeply towards the north-west corner. The land is generally improved grassland with some tall ruderal vegetation to the north-west part. The northern boundary has a tall hedgerow along the top of an old stone retaining wall, the eastern boundary has a Leylandii hedge and a low planted hedgerow, the western boundary has Privet hedging and the southern boundary is fenced with occasional trees. The site is bordered by grazed, improved grassland to the north, a bowling green to the east and residential housing to the south and west.

The application seeks full planning permission for a residential development of 18 no. affordable dwellings, creation of new access roads and associated works. The proposed development comprises a mix of 1, 2 and 3 bed properties with the specific mix as follows:

- 10 no. 1 bed properties (a mixture of bungalows, houses and flats);
- 6 no. 2 bed properties; and
- 2 no. 3 bed properties.

Principle

The application site is a housing site identified for residential development (site reference: P36 HA1) within the adopted Powys Local Development Plan (2011-2026) (LDP) and is within the development boundary of Llanrhaeadr-ym-Mochnant which is classified as large village within the LDP.

LDP Policy H1 Housing Development Proposals states that housing development will be permitted in Towns and Large Villages on sites allocated for housing. As such, the principle of the development is acceptable.

Affordable housing contribution

The Council's Strategic Housing Authority have advised that there is evidence of need for the proposed affordable homes as set out within the consultation response. In addition, it has been advised that the proposed development is included in the programme Delivery Plan for grant funded affordable housing.

An Affordable Housing Scheme has been submitted which provides details of the delivery of 100% of the units as affordable dwellings for social rent (council housing) by the Strategic Housing Authority and will ensure that the delivery of the housing will remain affordable in perpetuity. Given that the site is allocated, 100% affordable housing cannot be secured and the sub-market area requires a 10% affordable housing contribution (two on-site dwellings in this instance). Therefore, the Affordable Housing Scheme will need to be amended to reflect the 10% provision and a condition is recommended. The removal of permitted development rights for the affordable units by condition is also recommended to control future extensions etc which are likely to have an effect on value.

Housing density

The LDP housing allocation indicates that 19 dwellings should be provided on site, therefore the submission proposes one less dwelling. The submission proposes a dwelling density of 26 units per hectare which is less than the 27+ units per hectare recommended within LDP Policy H4. The submission indicates that the density is influenced by the site's irregular shape and topography and its location at the edge of a settlement. Whilst LDP Policy seeks to make the most efficient use of land, it is considered that the density has taken into account the character of the area in terms of the surrounding residential development and appropriate landscaping has been included and as such Officers consider that the slightly lower density is acceptable in this instance.

Housing delivery

The public representation raises concern that more three bedroom homes are required. The submission proposed two, three bedroom homes with the other dwellings being one or two bedroom homes. The data provided by the Strategic Housing Authority (housing

need and demand in the community from the Powys Common Housing Register for Social Housing) indicates that there is need for the type and size of dwellings proposed. As such, it is considered that the development would provide a suitable mix of housing types to meet the range of identified local housing needs. Given the allocation, the proposed development is considered an appropriate scale.

Design

The site is located within an area of Llanrhaeadr-ym-Mochnant which is predominantly characterised of modern dwellings, being located outside of the historic core of the village. In line with the predominant character within Llanrhaeadr-ym-Mochnant, the dwellings are designed to be no higher than two storeys with plots 3 and 4 to be designed as bungalows to ensure a positive relationship with the adjacent properties, most of which are also bungalow properties. Each property is afforded its own private garden area and level access. The scheme incorporates adequate open space and a planting scheme. The proposed dwellings are to have a brick external finish with reconstituted slate roofs. Windows and doors would be anthracite grey upvc. The siting, appearance, form, massing, scale and design detailing are considered acceptable in reflecting the character of the surrounding area.

Welsh language

The site is located within a community identified as Welsh Language Stronghold by the LDP. As the site is allocated for housing, the impact on the Welsh language has been assessed at the time of preparing the LDP. However, the application is supported by a revised Welsh Language Action Plan (WLAP) which assesses the potential impact of the development on the Welsh language and was revised with input from the Council's Welsh Language Officer and a Planning Policy Officer. The Powys Planning Obligations SPG (adopted October 2018) suggests various 'in kind' (Direct Provision) measures that may be used to assist in mitigating the impact of new development on the Welsh Language. Although the impact assessment concludes that the proposed development is likely to have an overall positive impact on the Welsh language and its future in the village, particularly with regard to the nature of the affordable units, the WLAP sets out a number of mitigation measures that the applicant is committed to implementing as part of the proposed development:

- Bilingual marketing of properties
- Production of a welcome pack for each household which sets out the Welsh language provision in the area
- Welsh street names within the development
- Welsh Language Courses - all new residents that are not Welsh speakers will be provided with an opportunity to attend Welsh language course by the Council. The Council will also provide a Welsh medium learning activity for local children in collaboration with the local school. This will take the form of a visit/tour to the development site by a Welsh speaking Development Officer.

In consideration of the submitted information, subject to an appropriate condition securing the implementation of the mitigation measures detailed within the action plan, Officers are satisfied that the proposed development will not unacceptably adversely affect the Welsh Language in the community.

Public open space/play provision

LDP Policy DM3 states that provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The provision can be provided on site or off site. The proposed development does not include any on site play provision but does include areas around the edge of the development as communal landscaping which would provide some opportunity for informal recreation.

In this instance, there is an area of open space/recreational provision in proximity to the site. A Local Equipped Area of Play area is located approximately 54 metres to the north-west of the application site at Maes-y-Dderwen and a bowling green is located adjacent to the south-east boundary of the application site. Furthermore, the football pitch is located approximately 40m to the south-east. The Council's Countryside and Outdoor Recreation Services have advised that Powys County Council has not got a play facility in the area and if any section 106 financial contribution for play is available, then the offer should go to Llanrhaeadr-ym-Mochnant Community Council who own and maintain the nearest public play facilities. The site is located within the acceptable buffer zones for the identified Local Equipped Area of Play and outdoor pitch and as such it would be unreasonable to request the provision or contribution towards the maintenance of an existing open space in association with the development. The submission proposes a pedestrian link to Maes-y-Dderwen which enable access to the existing play area.

Historic environment

- Dyffryn Tanat/Tanat Valley Historic Landscape

The site lies within the Llanrhaeadr-ym-Mochnant character area of the Dyffryn Tanat/Tanat Valley Registered Historic Landscape. The landscape is summarised as a narrow lowland river valley situated between the Berwyn Mountains and the Montgomery Hills, containing diverse evidence of land use from prehistoric to recent times. The area includes significant crop-marks of hidden prehistoric ritual and funerary sites; large well-preserved Iron Age hillforts; prehistoric to recent mining remains; medieval mottes, settlements and Pennant Melangell Church.

Given the size and nature of the proposed development, it is not considered that assessment under the ASIDOHL2 (assessing the significance of the impact of development on historic landscape areas on the Register) is not required. In addition, Cadw have not provided comments to require such an assessment. Given the location of the development within the development boundary and within the vicinity of other similar development together with the acceptable design, Officers consider that the development would not have an unacceptable adverse impact on the Registered Historic Landscape.

- Llanrhaeadr-ym-Mochnant Conservation Area

The site is located approximately 120 metres from the Llanrhaeadr-ym-Mochnant Conservation Area. In between the site and the boundary of the conservation area are residential dwellings and estate roads. Given the intervening built form, Officers consider that the character or appearance of that area would be preserved in accordance with Section 160 of the Historic Environment (Wales) Act 2023.

- Setting of listed buildings

There are two Grade II listed assets approximately 130 metres to the south-west of the application site; Green Stone (Cadw ref: 81842) and Honeysuckle Cottage (Cadw Ref: 81823). Given the distance and intervening built form, Officers consider that the settings of the identified listed buildings would be preserved in accordance with section 314A of the Town and Country Planning Act 1990 (as amended).

Natural environment

The submission is accompanied by an arboricultural report and ecological impact assessment. The Council's Ecologist and NRW have reviewed the application.

- Impacts to protected and priority sites

The ecological assessment which supports the application advises that the site is located 2.7km from The Tanat and Vyrnwy bat site (Penygarneidd Mine), 4.1km from The Tanat and Vyrnwy bat site (Garth-eryr), 6.3km from The Tanat and Vyrnwy bat site (Hendre, Llangedwyn), 7.9km from The Tanat and Vyrnwy bat site (West Llangynog Slate Mine), 9.2km from The Tanat and Vyrnwy bat site (Brygwyn Hall Stables and Coach House) and 11.5km from The Tanat and Vyrnwy bat site (Allt y Main Mine). Collectively The Tanat and Vyrnwy bat sites (SSSI/SAC) support internationally important hibernation and breeding sites for Lesser Horseshoe bats. The wider distribution patterns of Lesser Horseshoe bats (NBN) indicate a band of sites associated with the River Tanat floodplain and its wooded tributaries to the north-west with much fewer records for the River Rhayader floodplain. Records for this species become much less frequent and isolated as the landscape becomes more mountainous to the north and north-east of Llanrhaeadr-ym-Mochnant (the side of the village proposed for development). It is also clear from the distribution of this species that the River Tanat floodplain (1.1km to the south of the village) provides the primary route by which these interconnected populations migrate through the local landscape with only limited activity associated with the River Rhayader system.

The large Oak on site is of an age and type thought likely to support potential bat roosting features. The tree is particularly notable for its size but it appears to be in relatively good condition. The site is open and lacks any features that are likely to be of particular interest to anything other than small numbers of foraging (generalist) bat species. The north

boundary hedgerow provides some foraging and commuting opportunities for a low to moderate range of potential bat species which may roost in the local area; however, the absence of large tracts of high quality foraging habitat linked to this hedgerow does reduce its potential value significantly. Furthermore, the hedgerow link is severed by housing to the north-west (with some associated lightspill) and the hedgerow terminates at the edge of an open grassland field just 50m to the south-east of the site. Given that Lesser Horseshoe bats rely strongly on dark, well-connected woody linear features with associated broadleaved woodland there would be no reason for anything other than occasional forays by individuals occurring along the north hedgerow (if these occur at all) and the proposed mitigation measures will continue to allow these occasional movements along both the south (with lighting restrictions) and north sides of the hedgerow.

The ecological assessment further advises that the site is exposed and relatively isolated and the habitats present are common and widespread with better quality foraging habitats available nearby. In terms of its potential value to Lesser Horseshoe bats the site (a semi-urban/village site with poor habitat links and scattered lighting) is perhaps located in one of the least sensitive locations that one could hope for in The Tanat and Vyrnwy bat sites catchment. Accordingly the site is not going to be of intrinsic (sustenance) value to local bat populations; however, bats roosting, commuting and foraging are still likely to be important ecological features of the site's potential area of influence. Given this information and that NRW have not raised concern in respect of impact upon the SAC and the advice within the ecological assessment and received from the Council's Ecologist in respect of mitigation measures including the use of external lighting, retaining the northern boundary hedgerow as unlit and native species planting, it is considered that the proposed development would not have an unacceptable adverse impact on the identified protected site.

Otherwise there is one ancient semi-natural woodland site approximately 212m distant. The Council's Ecologist has advised that impacts to the ancient semi-natural woodland site can be ruled out due to the scale and nature of this development as well as the distance to the woodland site.

- Impacts to priority habitats

The habitats currently on site are occasionally cut improved grassland and a bank of tall ruderal vegetation. The improved grassland has a low ecological value and the ruderal vegetation would hold some ecological value however, there are currently no plans to disturb or remove this vegetation. The site boundaries are hedgerows and scattered trees of varying ecological value. Existing hedgerows, trees and shrubs within the site boundaries are to be retained. Therefore, there is to be no impacts to priority habitats.

- Impacts to protected and priority species

In respect of bats, as identified in the Ecological Impact Assessment this site is relatively isolated and comprised of common habitats, with better quality foraging habitats nearby. It is possible that bats, in particular Lesser Horseshow bats, will forage and commute

within this site. To reduce the potential impacts on bats during the operational phase, the submission indicates that lighting will be minimised with the northern hedgerow boundary to remain unlit. Native planting would improve the foraging quality of the habitats on site. In addition to this it is proposed to install bat boxes within the vegetation in the northern section of the site and also installed on the new dwellings. Therefore, the Council's Ecologist has advised that it is likely that the new green infrastructure features will improve the quality of the site in relation to its likelihood to support bats. A condition to secure details of the external lighting has been recommended.

The site is unsuitable for ground nesting bird species but the boundary hedgerows could be used by birds. However, as there is no proposed works to the boundary vegetation no impacts are anticipated.

- Biodiversity Enhancement, Green Infrastructure and Ecosystem Resilience

This proposal covers an area of 0.8ha and will result in the loss of improved grassland which is a very low ecological value. The north-eastern and north-western sections of the site will be retained as grassland. The Ecology Mitigation Plan contains details of the proposed ecological enhancements including the installation of three insect houses, 24 bird boxes, bat boxes on each south facing gable walls, bat access points, 16 Swift best boxes, three hedgehog boxes and hedgehog fencing. The new green infrastructure features will result in a green infrastructure net gain and ensure compliance with the Environment (Wales) Act 2016 to maintain and enhance biodiversity.

Residential amenity

As noted above the site slopes steeply towards the north-west corner and the site adjoins existing residential properties on three sides. Given the close proximity to properties, it is recommended that the working hours and deliveries are restricted to protect amenity.

In terms of privacy and overshadowing, street scenes demonstrate that the dwellings in the north-western corner would be below the ridge heights of the neighbouring dwellings at Maes-y-Dderwen. The majority of the proposed dwellings would have elevations facing side elevations of existing properties or are orientated such that there would not be any direct overlooking and as such do not give rise to concerns in respect of overlooking or overshadowing. In addition, 1.8m high privacy screens are proposed along boundaries where the gardens of proposed dwellings would adjoin existing properties. However, the rear elevation of plots 1 and 2 would be approximately 18 metres from the rear elevation of 6 Tanllan and would directly face the rear elevation. The Residential Design SPG advises that where a window to a lounge, dining room, bedroom or kitchen will directly face a similar window in a neighbouring property, the distance between them should be 21 metres in a back to back situation. The windows in the rear elevation of the proposed dwellings would serve an open plan lounge/kitchen and wc on the ground floor and ensuite and landing on the first floor. Whilst the distance is shorter than that recommended in the SPG, the aforementioned privacy screen along the boundary with 6 Tanllan would

mitigate the impact. A plan has been submitted demonstrating that the 25 degree rule has been complied with.

Highway access and parking

The site is located to the west of Maes-Yr-Esgob, an adopted highway (U5205) and it is proposed to extend this highway in order to establish vehicular access. The Highway Authority have offered support for the application and will provide conditions at a later date which will be included within an update report.

Foul drainage

It is proposed to dispose of foul waste to the public sewerage system which is the preferred method of disposal. Additional drainage information has been submitted to seek to address Hafren Dyfydwy's response, however Hafren Dyfydwy have advised that the additional information is not sufficient and have requested that details of the foul drainage are submitted at a later date and a condition is recommended.

Surface water flood risk and surface water drainage

An area in the centre of the site is identified within Flood Zone 2 on NRW's 'Flood Map for Planning – Surface Water and Small Watercourses'. The Council's Land Drainage section have advised that as the flood risk in this location originates onsite, they would expect this surface water to be accommodated within a robust surface water drainage strategy. The Land Drainage Section have reviewed the surface water drainage strategy and from a surface water flood risk perspective, this appears to have been addressed. However, they have recommended confirming that any attenuation or infiltration features would be designed to accommodate the 1 in 100 year event plus 40% climate change and factoring urban creep, and offsite runoff to be limited to the 1 in 1 year greenfield runoff rate, unless rates are agreed otherwise with Hafren Dyfydwy.

In terms of surface water drainage, it is understood that infiltration testing has been undertaken on-site but the results have not been submitted. Discharge to a surface water sewer is the fourth priority in the drainage hierarchy and each level should be considered in order and discounted if appropriate. The test results will confirm whether drainage features will need any adjustments and / or connection to sewer. Hafren Dyfydwy have advised that insufficient information has been submitted to enable consideration of the connection to the public surface water sewer for surface water discharge. As such, Hafren Dyfydwy have requested that a condition is used to secure the submission of these details. Additional information in the form of infiltration testing results is expected to be submitted prior to committee and information on such will be presented in an update report.

Air quality

An air quality report supports the application and the Environmental Protection department have advised that the measures recommended in the report and submission

(including all dwellings having the capacity for electric vehicle charging points and pedestrian and cycle access, helping to promote sustainable modes of transport) will assist with minimising any local air quality impacts associated with the proposed development and ensure that it is consistent with the sustainable design principles set out in Welsh Government legislation and current air quality and planning policy guidance. Therefore, conditions are recommended to secure compliance with the measures.

Loss of agricultural land

The site is not classified as the best and most versatile land according to the Agricultural Land Classification system.

RECOMMENDATION

The proposed development of an allocated housing site is welcomed to meet housing need and subject to satisfactory further drainage information being submitted, Officer's consider the proposed development complies with the relevant local and national planning policy and guidance. The recommendation is therefore one of approval as set out below subject to receipt of satisfactory information relating to surface drainage which will be provided to Members through an update.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:

Site Location Plan (Drawing Number: 23011-POW-ZZ-XX-DR-A-0101 Rev P02)
Site plan (Drawing Number: 23011-POW-ZZ-XX-DR-A-0100-Site Plan Rev P12),
Swept Path Analysis and Dimensions (Drawing Number: CIV_PL_01)
1B2P Bungalow Layout (Drawing Number: 23011-POW-ZZ-00-DR-A-0300 Rev P02)
1B2P (Drawing Number: 23011-POW-ZZ-00-DR-A-0302 Rev P02)
2B4P Layouts (Drawing Number: 23011-POW-ZZ-00-DR-A-0304 Rev P02)
3B5P Layouts (Drawing Number: 23011-POW-ZZ-00-DR-A-0306 Rev P02)
Bungalow Elevations (Drawing Number: 23011-POW-ZZ-XX-DR-A-0301 Rev P02)
1B2P Elevations (Drawing Number: 23011-POW-ZZ-XX-DR-A-0303 Rev P02)
3B5P Elevations (Drawing Number: 23011-POW-ZZ-XX-DR-A-0307 Rev P02)
1B2P Walk-Up Flat General Arrangement Plans (Drawing Number: 23012-POW-ZZ-00-DR-A-0303 Rev P01)
1B2P Walk-Up Flat Proposed GA Elevations (Drawing Number: 23012-POW-ZZ-XX-DR-A-0304 Rev P01)
Proposed Shed Drawings (Drawing Number: 23011-POW-ZZ-XX-DR-A-0312 Rev P01)
Ecological Mitigation Plan (Drawing number: 23011-POW-ZZ-XX-DR-A-0108)

Rev.P05)

Tir Collective planting plan 1 (Drawing number: LA.2),

Tir Collective planting plan 2 (Drawing number: LA.3),

CIV_PL_02,

Boundary Treatment Plan 23011-POW-ZZ-XX-DR-A-0107 Rev P05,

Tir Collective Landscaping Specifications (Drawing number LA.4),

Tir Collective Landscaping Strategy (Drawing number LA.1),

Cogan Environmental Consulting Limited 'Air Quality Report: Land West of Maes-Yr-Esgob, Llanrhaeadr Ym Mochnant' (ref: COGAN_P1019A_A2) 03/07/2024,

Asbri Planning Ltd 'Planning Statement: Land West of Maes yr Esgob, Llanrhaeadr-Ym-Mochnant' (ref: 23.213) May 2024,

Acstro Ltd 'Transport Statement: Maes yr Esgob, Llanrhaeadr-ym-Mochnant, Powys' May 2024,

Tir Collective Limited 'Green Infrastructure Strategy/Statement' (ref: GI.1) 13 May 2024,

Welsh Language Action Plan prepared by Asbri dated August 2024

ArbTS - Arboricultural Technician Services Ltd Arboricultural Report dated 16 May 2024

3. The development hereby permitted shall not commence 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 is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. Severn Trent objects to any proposal to dispose of surface water to a combined or foul sewer.
4. Prior to the commencement of development a Construction Environmental Management Plan (CEMP), to manage dust emissions during the construction phase of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be produced following the recommendations and advice provided in Annex 6 'Construction Dust Impacts' of the Cogan Environmental Consulting Limited: 'Air Quality Report' (ref: COGAN_P1019A_A2). The development shall be carried out in accordance with the approved CEMP.
5. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

6. The development shall be undertaken in strict accordance with the biodiversity enhancements shown in the Ecological Mitigation Plan (drawing number: 23011-POW-ZZ-XX-DR-A-0108 Rev.P05). The measures identified shall be adhered to and implemented in full.
7. The development shall be undertaken in strict accordance with the Landscaping Plan shown in the landscaping strategy (Drawing number: LA.1), planting plan 1 (Drawing number: LA.2), planting plan 2 (Drawing number: LA.3), planting specifications (Drawing number: LA.4) and Tir Collective Limited 'Green Infrastructure Strategy/Statement' (ref: GI.1) 13 May 2024, Tir Collective Limited 'Landscape Strategy' (ref: LA.1) 13 May 2024. The measures identified shall be adhered to and implemented in full.
8. 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.
9. 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 08/23 Bats and Artificial Lighting at Night (2023) (or its replacement). The development shall be carried out in accordance with the approved details.
10. The development shall be undertaken in accordance with the precautionary mitigation method statement included in section 5.1.3 of the ecological impact assessment report. The measures identified shall be adhered to and implemented in full.
11. The development shall be undertaken in accordance with the Tree Protection Plan included in Appendix 4 of the ArbTS - Arboricultural Technician Services Ltd Arboricultural Report dated 16 May 2024. The measures identified shall be adhered to and implemented in full.
12. The development hereby permitted shall be undertaken strictly in accordance with the Welsh Language Action Plan prepared by Asbri dated August 2024.
13. All construction works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
0800-1800 hrs Monday to Friday
800-1300 Saturday

At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

14. 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 10% of housing units/bed spaces;
 - 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;
 - 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.
15. Notwithstanding the provisions of schedule 2, part 1, classes A, B and C 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, alterations, alterations to the roof of the affordable units shall be carried out other than those expressly authorised by this permission and shown on drawing numbers: 23011-POW-ZZ-XX-DR-A-0100-Site Plan-P12, 1B2P Bungalow Layout (Drawing Number: 23011-POW-ZZ-00-DR-A-0300 Rev P02), 1B2P (Drawing Number: 23011-POW-ZZ-00-DR-A-0302 Rev P02), 2B4P Layouts (Drawing Number: 23011-POW-ZZ-00-DR-A-0304 Rev P02), 3B5P Layouts (Drawing Number: 23011-POW-ZZ-00-DR-A-0306 Rev P02), Bungalow Elevations (Drawing Number: 23011-POW-ZZ-XX-DR-A-0301 Rev P02), 1B2P Elevations (Drawing Number: 23011-POW-ZZ-XX-DR-A-0303 Rev P02), 3B5P Elevations (Drawing Number: 23011-POW-ZZ-XX-DR-A-0307 Rev P02), 1B2P Walk-Up Flat General Arrangement Plans (Drawing Number: 23012-POW-ZZ-00-DR-A-0303 Rev P01), 1B2P Walk-Up Flat Proposed GA Elevations (Drawing Number: 23012-POW-ZZ-XX-DR-A-0304 Rev P01), Proposed Shed Drawings (Drawing Number: 23011-POW-ZZ-XX-DR-A-0312 Rev P01).

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and satisfactory development.

3. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies DM6 and DM13 of the adopted Powys Local Development Plan (2011-2026) and Planning Policy Wales (Edition 12, 2024).
4. To minimise air quality impacts and ensure that the development is consistent with the sustainable design principles set out in current legislation, planning policy and air quality guidance in accordance with policy DM14 of the adopted Powys Local Development Plan (2011-2026), The Well-Being of Future Generations Act 2015, The Clean Air Plan for Wales: Healthy Air, Healthy Wales, The Environment (Air Quality and Soundscapes) (Wales) Act 2024 and Planning Policy Wales (Edition 12, 2024).
5. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.
6. To comply with Policy DM2 of the adopted Powys Local Development Plan (2011-2026) in relation to the Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Policies DM2, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026) in relation to the Natural Environment and landscaping and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. To comply with Policies DM2, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026) in relation to the Natural Environment and landscaping and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
9. To comply with Policies DM2 and DM7 of the adopted Powys Local Development Plan (2011-2026) in relation to the Natural Environment and external lighting and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Policy DM2 of the adopted Powys Local Development Plan (2011-2026) in relation to the Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

11. To comply with Policies DM2 and DM7 of the adopted Powys Local Development Plan (2011-2026) in relation to the Natural Environment and external lighting and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
12. To safeguard and support the Welsh Language in the community in accordance with Policy DM12 of the adopted Powys Local Development Plan (2011-2026), Technical Advice Note 20: Planning and the Welsh Language (2017) and Planning Policy Wales (Edition 12, 2024).
13. To safeguard the amenities of the occupants of neighbouring residential properties in accordance with Policy DM13 of the adopted Powys Local Development Plan (2011-2026).
14. To ensure that the development contributes to the provision of affordable housing in accordance with Planning Policy Wales (Edition, 12, 2024), Technical Advice Note 2: Planning and affordable housing (2006) and Policy H5 of the adopted Powys Local Development Plan (2011-2026).
15. To ensure that the properties are not extended or altered in a way as to increase the value beyond an affordable level in accordance with Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing Adopted (October 2018), Policy H5 of the Powys Local Development Plan (2011-2026) and Planning Policy Wales (Edition 12, 2024).

Informatives

Advice from Hafren Dyfrdwy:

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

Advice from Powys County Council Ecology:

Protected Species

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 by phone at 0300 065 3000.

Birds – Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Advice from Natural Resources Wales (NRW):

Pollution Prevention

During the construction phase you should 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 Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website.

SAB Approval:

SAB approval will be required for the proposed development. For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>. Alternatively, please contact the SAB Team on 01597 827465 or via email sab@powys.gov.uk.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

Advice from Mid and West Wales Fire and Rescue Authority:

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:
<https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the current version of Approved Document B (Wales).

Case Officer: Kate Bowen, Senior Planning Officer
Tel: 01938 551268 E-mail: kate.bowen@powys.gov.uk