

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
Community

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 Update Report

A further consultee response from the Highway Authority has been received.

Consultee Responses

Consultee

Received

PCC Highway Authority

24 Jan 2025

The County Council as Highway Authority for the County Unclassified Highway, U5205

Wish the following recommendations/Observations be applied Recommendations/Observations

1. The development shall be carried out in accordance with the following approved highway plans and documents 23011-POW-ZZ-XX-DR-A-0100 Rev P11.
2. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

3. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
4. Prior to occupation of any of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
5. A minimum 10% of the parking allocation secured under condition 4 above shall be constructed to incorporate electric vehicle charging points.
6. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
7. No surface water drainage from the site shall be allowed to discharge onto the county highway

Officer Appraisal

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 have recommended conditions as set out above. The conditions are considered necessary and reasonable, however, condition 5 is not able to be attached because Policy 12 of Future Wales requires the provision of EV charging points for new non-residential development and as such would not be applicable in this instance.

Surface water flood risk and surface water drainage

- Surface water flood risk

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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.

- Surface water drainage

The Land Drainage section 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 Dyfrdwy. Infiltration test results have now been submitted which demonstrate that onsite drainage will not be feasible. In terms of the next tier of the hierarchy, discharge to watercourse, a reasonable argument not to connect to watercourse would be that a connection would require crossing third party land and although not put forward as part of the additional information, Officers consider it likely that sufficient information will be provided at a later date to demonstrate that Hafren Dyfrdwy are likely to accept the surface water drainage. Hafren Dyfrdwy have requested that a condition is used to secure the submission of these details which has been included in the recommendation.

RECOMMENDATION

The recommendation continues to be one of approval, to include the conditions recommended by the Highway Authority (apart from condition 5). The recommendation is therefore one of approval as set out below.

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. 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.
7. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
8. 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.
9. 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.
10. 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.

- 11.No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
- 12.Prior to occupation of any of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- 13.The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
- 14.No surface water drainage from the site shall be allowed to discharge onto the county highway
- 15.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.
- 16.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.
- 17.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.
- 18.The development hereby permitted shall be undertaken strictly in accordance with the Welsh Language Action Plan prepared by Asbri dated August 2024.

19. All construction works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - a. 0800-1800 hrs Monday to Friday
 - b. Saturday
 - c. At no time on Sundays and Bank Holidays
 - d. Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

20. 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 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).
7. In the interests of highway safety in accordance with Policies T1 and DM13 of the adopted Powys Local Development Plan (2011-2026).
8. 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.
9. 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.
10. 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.
11. In the interests of highway safety in accordance with Policies T1 and DM13 of the adopted Powys Local Development Plan (2011-2026).
12. In the interests of highway safety in accordance with Policies T1 and DM13 of the adopted Powys Local Development Plan (2011-2026).
13. In the interests of highway safety in accordance with Policies T1 and DM13 of the adopted Powys Local Development Plan (2011-2026).
14. In the interests of highway safety in accordance with Policies T1 and DM13 of the adopted Powys Local Development Plan (2011-2026).
15. 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.

16. 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.
17. 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.
18. 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).
19. 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).
20. 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
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