

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

**Application No:** RAD/2004/0572                      **Grid Ref:** 329478.73 271872.05

**Community Council:** Knighton C                      **Valid Date:** 24/11/2004      **Officer:** Steve Packer

**Applicant:** Messrs RR Price & Son & c/o Llanshay Farm      Llanshay Lane Knighton  
Powys LD7 1LW

**Location:** Land at Llanshay Farm, Knighton, Powys

**Proposal:** Outline: Amended application for residential development of 103 dwellings, vehicular access and associated engineering works (all matters reserved)

**Application Type:** Application for Outline Planning Permission

### Update Report for Committee Meeting of 7<sup>th</sup> December 2017

#### Addendum

##### The Status of the UDP

Many representations including one in this update are arguing for a refusal of this application on the grounds that the UDP is no longer a principal policy consideration and that it is the emerging LDP which should form the basis for a decision.

It is important to consider the relevant section of Planning Policy Wales in this respect:

*2.14.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.*

The Legal advice in this respect is that the UDP remains the policy basis on which a decision should be made.

## Impact on the Historic Environment

The location of the submission has the potential to have an impact on the historic environment and, more particularly on the setting of an Historical Asset, namely the Grade 2 Llanshay Farmhouse and its associated buildings which sit above the application site and may at one time have been part of the Stanage Estate.

In May 2017 new guidance was published in the form of TAN 24-The Historic Environment and the associated publication 'Setting of Historic Assets in Wales' the latter providing detailed guidance on appraisal of impacts of developments on the setting of historic assets. These latest publications, therefore, now need to be taken account of in the decision making process.

'Setting of Historic Assets' makes particular mention of the setting of farm buildings in the following statement:

*'The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features. For example, the setting of a listed farmhouse might be its physical agricultural surroundings.'*

The guidance goes on to suggest a 4 stage approach to assessment namely:

Stage 1-Identify the Historic Asset.

Stage 2-Define and analyse the Setting.

Stage 3-Evaluate the potential Impact of a proposed change or development.

Stage 4-If necessary consider options to mitigate or improve potential impact

Having identified the Building complex at Llanshay Farm as an Asset the following matters therefore need to be considered:

### The Setting

Llanshay Farm sits above the fields which it is proposed to develop with trees and hedgerows between it and the lower fields fronting onto the Ludlow road.

The situation is particular in that, given their elevation and form, the buildings could be seen as dominating the fields to the north.

However, the principal frontages are not overlooking the northern fields but are facing south. One reason for this could be the need to mitigate against the impact of northerly winds, although the original medieval building has seen much external alteration, and this must remain as conjecture.

In some instances and, in particular, the placing of a house in parkland deliberately designed to be complementary (as at Stanage) where the setting is part of a coherent concept or with a fortified site where the setting would have needed to be kept open to guard against surprise intrusion, the need to retain views towards and from an historic asset would argue strongly against any development in its setting. With the farmhouse effectively with its back to the land in question this is not the case here.

In addition, views from the public domain are limited given the particular characteristics of topography and intervening hedgerows and trees. In other words, the setting, such as it is, is not one that is readily available for appreciation. In the C20th significant changes in the landscape and the relationship of the Heritage Asset to the built form of the town occurred with the construction of housing in Farrington Lane and the estates and industrial units on the opposite side of Ludlow Road, effectively resulting in the holding becoming edge of settlement.

### The Potential Impact

The orientation of the Listed Building complex means that there will be little impact of the proposed development on the setting of the principal elevation of the farmhouse and on the farm yard and buildings to the south.

The land to the west of Llanshay Lane (Phase 1) which abuts existing residential development is at such an orientation and distance from the Listed Building as to mitigate against any significant impacts on its setting.

It is the lower fields to the north between the buildings and the Ludlow road (Phase2) where there will be most impact and it is here that the potential for harm needs to be assessed.

It is likely that the land has been in agricultural use since medieval times although, given the topography and the particular orientation of the farm buildings, it is possible that the fields may not always have been managed from the farmhouse. Whilst it could be argued that the lower fields are not an intrinsic part of the setting of the Listed Buildings there is no doubt that the development of a large number of dwellings with associated access roads, gardens and street lighting will have a significant effect on the area and the formation of a new access has the potential to open up views of the farmhouse to the public domain.

The question is, therefore, whether the fields which it is proposed to develop are such a significant part of the setting of the Historic Asset that the proposal will be harmful and therefore could lead to a recommendation of refusal.

In this instance, and in light of the additional guidance which has become available in 2017, it is further concluded here that, given the particular circumstances of topography, orientation and relationship to the town's built form, the setting of the Listed Buildings will not be unduly compromised by the proposed development.

### Mitigation of Potential Impact

The current guidance suggests ways in which developments can be integrated in such a way as to minimise any impacts on Heritage Assets including landscaping and layout design.

It is considered that opportunities would exist at reserved matters stage to assist in this respect.

### **Additional Representations**

A response has now been received from the Powys Schools Service. However this is based on an assumption of 20% rather than 30% affordable Housing and will require further discussion:

‘ A contribution is sought in respect of primary education only as there is sufficient surplus capacity at Newtown High School – John Beddoes Campus to accommodate any secondary aged pupils as a result of this development.

Primary aged pupils from this development would attend Knighton C in W Primary School and the school is seeing an increase in pupil numbers in the catchment area of the school, with the number on roll projected to increase from 240 in January 2017 to 276 by January 2022. The development of 103 houses would increase the pupil roll by between 15 and 20 pupils and it is projected that the development would place pressure on both classroom accommodation and associated ancillary facilities at the school.

The Schools Service would therefore wish to submit a S106 bid for funding of £233,165 to facilitate the removal of temporary accommodation at the school, replacing it with a permanent build. The Authority would also undertake a re-configuration of any un-used internal classroom bases and extend and refurbish the Reception/Office/Waiting Area. The methodology used to arrive at the figure of £233,165 is attached.'

Two additional responses have been received from local residents following notification of the date of Committee:

### **Response 1**

On your next planning committee agenda you will find an outline planning application (RAD1200410572) for the proposed residential development of 103 dwellings, vehicular access and associated engineering works, on land at Llanshay Farm, Knighton, Powys. As our local elected representatives, we write to you as long-term residents of Knighton that support the sustainable growth of the town, but object to the proposed development at Llanshay Farm for the reasons set out in this letter. The proponent initially lodged the Llanshay Farm outline planning application with Powys County Council on 24th November 2004.

That's not a typo! At the time of writing this letter, Powys County Council will have taken over 678 weeks or 4,748 days or exactly 13 years to get this far. And the application is still to be determined. When this planning application was lodged, Tony Blair was still at No.10 and the launch of the iPhone was still over two years away.

This half-baked and poorly conceived outline planning application for Llanshay Farm Lane has caused significant concern and stress to our neighbours and us over the past 13 years. So, it is with significant dismay and anxiety that we now learn that Council officers are recommending approval of this outline planning application.

At the time of writing, we have not seen the planning assessment report and the reasons for this decision are not clear. But, we again object to this planning application in the strongest terms and request that Powys County Council see common sense and reject this specious proposal outright

### **FOUR REASONS WHY YOU SHOULD REFUSE THIS OUTLINE PLANNING APPLICATION**

This letter summarises four main reasons why you should refuse the Llanshay Lane outline planning application (RAD1200410572). We ask that you please take the

time to read these reasons before considering the application and making your decision.

#### 1. Inadequate proposal. Unresolved access. Poor design.

Considering it has taken 13 years for this outline planning application to get to the planning committee, you'd expect that the actual proposal itself would be well resolved and comprehensive. Unfortunately, this is far from the case and we believe you will be disappointed.

In general, the planning and design documentation supporting the Llanshay Lane planning application and made publicly available has been woefully inadequate. The level of information made available started off reasonably well in 2004, but over time has reduced markedly over the years to the point now where this just an exercise in land development speculation supported with an absolute minimum of information. The most recent outline planning application documentation submitted to Council in July 2017 amends the design and dwelling yield. The supporting planning statement waxes lyrical about the amended design and layout for the site is very poor and would deliver a substandard addition to Knighton's footprint, should it be approved. The lack of coherent and integrated information about the site, its context and impact/integration of the proposed development is astounding and is an indictment of the inadequacy of the outlie planning application process. Because of these inadequacies, we doubt that in your review of the proposal, you will not be provided with a good appreciation of what's really proposed and the real impacts it will have.

Achieving site access goes to the heart of the problems and inadequacies of the outline planning application on process. In the original planning application documentation for Llanshay Farm I Lane sites submitted to Council in November 2004 and the July 2015 documentation sought to resolve and not reserve 'site access'. This is understandable, as resolving adequate site access is absolutely critical in achieving any form of development on the Llanshay Farm I Lane sites.

By July 2017, resolving site access became too hard and the proponent has now chosen to 'reserve' site access, to be dealt with at full and detailed level. It appears that the proponent has been unable to adequately resolve highway layout and access issues with the Highway Authority and has instead chosen to not deal with the issue.

In any 'in principle' (and use decision, site access and connectivity are critical elements that needs to be addressed and resolved. Fundamentally, if there is no access, there is no development. If there is limited access, there may be limited development. How can Council make a significant land use decision on the strategic growth of Knighton without adequate information?

If the proponent has failed to adequately resolve site access issues with the Highway Authority between 2004 and 2015, how can reserving access for the later detailed application resolve this fundamental planning and development issue?

On such a critical issue as site access, we believe it would be irresponsible to 'approve in principle' development of the Llanshay Farm I Lane site for 103 dwellings, but with no means of achieving adequate road access or services infrastructure. Matters of design are almost irrelevant if site access is not resolved adequately.

#### 2. Not consistent with the Powys Local Development Plan (LDP)

What's the point of developing a strong contemporary planning policy and land use strategy if you then ignore it?

Our submissions to the Draft Local Development Plan process have advocated that the growth and development strategy for Knighton should seek to spatially consolidate the urban footprint of the town as a more compact, walkable and sustainable community. We argued that to achieve this objective requires that future housing supply focus on the redevelopment of brownfield and other infill sites close to the town centre and not support the development of rural sites at the periphery of the town, such as Llanshay Lane.

The Draft LDP puts forward a more conservative growth and spatial development strategy for

Knighton that proposed the development of a smaller number of brownfield infill sites housing sites, located closer to the town centre and did not include the Llanshay Lane site as a housing development site.

The Powys Unitary Development Plan expired In 2016 and will soon be being replaced by the Powys LDP, which represents Council's contemporary thinking in respect of the spatial growth and development of Powys and the strategic planning policy framework needed to deliver it.

The Llanshay Lane outline planning application is dependent upon the UDP's outdated planning policies and demographics and not is consistent with the LDP's best practice planning.

Whilst it is acknowledged that the assessment of this outline planning application legally needs to take account of the UDP, it is clear that the Llanshay Farm proposal is completely inconsistent with the LDP's proposed spatial planning and growth framework for Knighton.

As the Llanshay Lane site is no longer identified as a housing growth opportunity for Knighton, Powys County Council should refuse the Llanshay Lane outline planning application on planning policy grounds, as it is fundamentally inconsistent with the Draft Powys LDP, which represents Council's forward planning strategy for to 2026.

Knighton — A declining and ageing population

In late 2004, when the Llanshay Lane planning application was lodged, Knighton's population was estimated to be 3,338 persons. Up from 3,043 persons in 2001, 2004/2005 has proven to be somewhat of a peak for Knighton's population and the current estimate is lower again at around 2,960 persons.

What the population and census statistics clearly demonstrate is that Knighton's population is both declining and aging. Statistics indicate that 24.1% of Knighton's population was over 65, which compares to a figure of approximately 18% for Wales. This is reflective of the ageing Powys demographic, where 13.5% of the population were aged 65 to 74, (Wales 10.7%); and 11.1% were aged 75 and over (Wales 8.8%).

The key to returning Knighton to sustainable population growth does not rely upon the supply of additional housing rests, but with local job creation instead. Additional housing only makes economic and strategic planning sense if there are sufficient local jobs available or projected to be created.

Knighton does not lie within an area planned for economic growth within the Spatial Plan for Wales and therefore it is unreasonable to expect there will be significant local job growth.

If Knighton's population is to grow in concert with new jobs, a preferred and more sustainable approach is to plan and design Knighton as a more compact and

walkable town. This approach would be characterised by new housing developed on sites close to and supporting the activity of the town centre and not sites in rural areas at the periphery of the town, like Llanshay Lane.

Demographics and planning strategy are strongly correlated. Knighton's declining and ageing population does not require additional allocations of land for housing and that Powys County Council's planning policy decision to not include the Llanshay Farm/Lane site and other sites was indeed warranted and the correct planning strategy.

#### 4. A common sense decision with Integrity

If you ignore the inordinate amount of time it has taken for this outline planning application to get this far, this proposal provides the committee and Powys County Council with the opportunity to reinforce the inherent strategy and integrity of our emerging planning framework, namely the Powys Local Development Plan. We believe this plan presents a well-founded strategic plan for the future planning of the County's urban and rural settlements.

The Llanshay Farm/Lane planning proposal represents the antithesis of the vision, objectives and sustainable growth policies of the Powys LDP. It's a poorly conceived speculative land development proposal, which we believe represents the 'last roll of the dice' for the proponent and is not worthy of support or approval in any form.

### **Response 2**

We are writing to oppose the above development.

- This is an extremely large number of houses to build in an area with little industry and this coincides with another development up for planning for forty three houses about four hundred yards away on the same stretch of road (Ludlow Road).
- The amount of daily traffic that uses Llanshay Lane does not seem to have been taken into account. As well as cars there are tractors and lorries having to access the various farms in the area and they would present a hazard having to drive through a housing estate. The roads would have to be wide as residents often have the habit of parking on the street rather than on their drives. In order to make sure that cars do not block the road the drives of the houses will need to be large enough to accommodate two vehicles, and of course this may not be sufficient as there may be several members in one house requiring the use of cars in order to travel to get to their place of work outside Knighton.
- The access to Ludlow Road would become very dangerous as potentially there could be well over three hundred and fifty cars, as well as the existing lorries and cars that feed into the Knighton Enterprise Park. This would be in addition to the current number of vehicles that exit from Fronhir and Pontfaen.
- The industries that are situated opposite the proposed access to the above development tend to operate lorries for the majority of their business. Clayton Engineering builds large tractors that are used for RNLI life boat launches. They are tested up Llanshay Lane and the equipment is tending to become larger rather than smaller.

- How many restrictions would be put on these industries, if a housing estate was built virtually opposite, rendering it difficult to function?
- **Industrial businesses should be a priority.** Knighton has lost a lot of businesses in recent years so this number of houses is unwarranted.
- The local infrastructure would struggle to accommodate the increased number of inhabitants.
- The lack of maintenance of local streams has led to flooding problems down Pontfaen. Care would be needed when developing the field.
- Ludlow Road has had several traffic accidents, one of which involved the use of the air ambulance. Large numbers of parents and children crossing Ludlow Road to access the local primary school would be an accident waiting to happen.