

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:	Officer: 24/11/2004 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		

The reason for Committee determination

Called in by Professional Lead for Development Management, given the scale of development proposed.

Site Location and Description

The site is to be found on the eastern side of Knighton. It is currently used as pasture. Its western boundary is defined by existing housing and its northern by the A4113 highway. The eastern and southern boundaries are, in part defined by hedgerows but are contiguous with the farmland which rises in a southerly direction from the A4113.

The site is approximately 5 hectares in extent and is bisected by Llanshay Lane which runs from its access at the A4113 onto Reeves Hill and Presteigne beyond. The western part of the application site shares a northern boundary with the dwelling known as Cophorne and is elevated above the dwellings in the Dingle. It is crossed by a small brook which runs under the lane and along the western boundary of the eastern section and the dwelling known as Waverely. The eastern section is the larger component and is subdivided by fencing and hedgerows which contain some mature trees shown as retained in an indicative layout.

The Elan Valley Aqueduct runs through the northern part of the site, parallel to the A4113.

The proposal envisages a new access being constructed to the east of the existing Llanshay Lane entrance (which would become a cul-de-sac giving vehicular access to only the two existing dwellings). This new access would be the new route onto Reeves Hill and would serve 44 new dwellings on the western part of the application site and 59 on the eastern.

The application is accompanied by a Planning Statement which offers 32 affordable

All matters, including highway access are reserved for further consideration at reserved matters stage.

The site was allocated for housing development in the Radnorshire Local Plan and subsequently in the Unitary Development Plan.

The Background

This application was registered on the 24th November 2004 and was originally for 133 houses. It was advertised as a departure because it included an area intended for affordable housing which was outside the Local Plan allocation and the towns development limits.

From 2004 onwards the application was the subject of various requests for further information including highway details, flood consequences and ecological assessment which were provided and consulted on over the period up until 2010. Given the passage of time some of that information then needed to be updated. Pending receipt of further information the consideration of the application went into abeyance until it was revived in 2015 and re-advertised.

In the course of re-consultation it was decided that the survey for great crested newts was out of date and this was resubmitted along with a request to amend the scheme (reducing the number of dwelling units to 103) and reserving highway matters for consideration at reserved matters stage. This has involved further re-advertisement and re-consultation.

Consultee Response

Knighton TC

20/07/15

Members of the Town Council made a recommendation by unanimous vote to strongly recommend refusal of this application at its meeting on 15th July 2015.

There were a considerable number of reasons for recommending refusal which are listed below.

- Development is too big
- No need for this number of houses
- Could create an imbalance on class lines
- No employment If elderly residents come services would struggle to cope eg doctors
- Brown field sites should be developed first rather than green field sites like this one
- Sewage systems would be unable to cope
- Are rights of way going to be protected
- Water pipe from Elan Valley needs protecting
- Why was this application not determined previously
- Planning application paperwork out of date

- Access onto highway will be dangerous
- Flooding can be a problem on the site
- Tree preservation orders need to be enforced
- Maintenance of the public may be a problem(space?)
- Plans do not accord with the local development plan
- Lack of consultation with residents
- All supporting reports for original application are out of date
- Missing site and area analysis
- A concept design and design statement is required.
- Building elevations and sections and street sections are missing
- A traffic and access plan is required
- A visual impact study is missing

25/07/2017

Members of Knighton Town Council made a recommendation by majority vote to recommend refusal of this application as it is contrary to the requirements of the Unitary Development Plan and the Local Development Plan as outlined in Mr B Edwards letter dated 5th August 2015. The number of dwellings has reduced in the current application however the reasons for refusal are the same as in 2015. (See Appendix 1).

Powys Highways

The proposed development of 103 dwellings on this site will necessitate that a new means of access is constructed onto Ludlow Road in order to accommodate the developments traffic. Any increased use of the Llanshay Lane junction and existing highway would not be supported by the Highway Authority.

When the application was originally submitted the means of access was to be determined as part of the outline application. The Highway Authority requested that detailed engineering proposals be submitted that would confirm that a safe access could be provided to serve this large development. One of the principal constraints to providing a new highway is the fact that the Elan Valley Aqueduct crosses the site running parallel to Ludlow Road. The close proximity of the pipe and difference in levels meant that designing an acceptable layout would be a challenge. The indicative layout has never been formally approved and it is with regret that we note that the applicant has now withdrawn the means of access being determined at this stage. This means that we are unable to confirm whether the site can be provided with a highway that meets with current standards. We have noted the concerns of Severn Trent Water plc regarding the potential detrimental effects that a new highway could have on the aqueduct and consider the lack of agreeing a detailed layout a retrograde step.

As a minimum we would have required details of the closure of the existing Llanshay Lane to through traffic and new turning head, new right turn lane junction onto Ludlow Road, provision of suitably designed roads throughout the site, Active Travel links within the site and along Ludlow Road linking with the existing footways adjacent to the Primary School. In addition, we would require that the applicant agree to the costs and implementation of a Traffic Regulation Order for the extension of the 30mph speed restriction along Ludlow

Road and within the estate and prohibition of through traffic along Llanshay Lane where the closure would be located.

Conditions:

1. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority detailed engineering proposals for the means of access onto Ludlow Road, all on site highways including Active Travel links within the site and along Ludlow Road and all associated works.
2. Prior to any works being commenced on the site a scheme for the phasing of the development including the construction of access roads and associated works shall be submitted to and approved in writing by the local planning authority and shall thereafter be implemented in accordance with the approved details.
3. Prior to any works being commenced on the site the means of access and access roads and associated works referred to above, shall be fully completed to the written satisfaction of the local planning authority.
4. Prior to the occupation of any dwelling the Active Travel links and closure of the Llanshay Lane to through traffic shall be fully completed to the written satisfaction of the local planning authority.
5. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
6. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
7. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
8. The width of the access carriageways shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
9. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
10. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

11. 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.
12. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.
13. No storm water drainage from the site shall be allowed to discharge onto the county highway.
14. Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.
15. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, prohibition of vehicular traffic along Llanshay Lane and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority.

Powys Building Control

Building Regulations approval will be required

Natural Resources Wales (formerly Environment Agency/ Countryside Council for Wales)

An initial consultation with the Environment Agency resulted in a response of 18/01/2005 in which the Agency requested a deferment pending the preparation of a Flood Risk Assessment by the applicant and requesting the following condition:

‘There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways’

It was also strongly recommended that, as part of the site's development, the existing culverted/diverted section of the watercourse be removed and flow re-instated to the former open-channel.

Following receipt of further information relating to drainage and flooding further comments were received:

01/02/2007

Flood Risk

Powys has promoted a scheme for alleviation of flood risk downstream of the site. The detailed drainage proposal should address existing and proposed capacities of any

receiving watercourses or culverts. This should be in consultation with PCC as the promoting authority and responsible drainage authority.

Flood Defense Consent will be required for any diversion or creation of new channels or culverts. Section 3/9 of the Preliminary Drainage Assessment suggests that the EA has confirmed that there must be no development within 4m of an ordinary watercourse and 3m from a culverted watercourse. At time the Agency will seek a 5m watercourse buffer. This will be subject to agreement on channel capacity, ecological surveys and maintenance requirements.

The use of soakaways and rainwater harvesting techniques are acknowledged and welcomed. It is recommended that a suitably worded condition is included to cover the reduction of any surface water run-off from the site to assist with the PCC proposed flood alleviation scheme.

Section 4.9 of the preliminary drainage assessment states that PCC have no objection to culverting of the overflow watercourse. The culverting of any watercourse will require EA consent and any culverting other than for access reasons is likely to be viewed negatively.

The proposed layout does not appear to include an easement for the diverted 600mm culvert which was diverted after the 1968 flooding.

Biodiversity

Section 3.10 and 9.4 of the preliminary drainage assessment recommends that consideration be given to diverting the existing original watercourse channel (overflow) and further advises that the site layout would benefit from this action. It is assumed site layout benefits refer to potential increase in developable land area resulting from this recommendation. The proposed route of any diversion is unclear, but given the topography of the site it is assumed that ordinary watercourse flow will be diverted into the culverted system resulting in the loss of the existing natural channel. The EA seeks further clarification.

The EA would encourage the retention of the natural open channel as part of any future consent. This would be in keeping with the location and general character of the site and would enhance nature conservation and visual value of the currently part degraded river corridor.

The former river corridor should be appropriately landscaped to form a local point and feature of the redeveloped site and ideally should be incorporated into the development as part of the public open space areas.

Any waste arising on site must be sent to appropriate licensed waste facility.

22/09/17

Thank you for re-consulting NRW regarding the above proposal. We note that the application proposal has been amended. This response supersedes our consultation

response letter dated 3rd August 2015 in relation to our comments regarding potential impact of the development on Great Crested Newts.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address our significant concern and we would not object provided it is attached to the planning permission.

Condition 1 – Suitable Reasonable Avoidance Measures for GCN to be approved prior to commencement of development and implemented accordingly during the construction phase

European Protected Species – Great Crested Newts

The Great Crested Newt is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

We note that an updated ecological assessment has been submitted to inform the decision-making process (Great Crested Newt Survey Review by Environment Systems dated July 2016 Version No.1) which includes the results of an updated site walkover to qualify habitat suitability across the application site.

The ecological assessment confirms that the updated walkover survey confirmed no current presence of GCN. However, the assessment confirms that there is a known GCN population to the southeast of the site and desk study results also show GCN records within 1km of the application site. The ponds within the application site and within a 3km radius of the application site are confirmed as offering good potential to support GCN.

Condition 1 – Suitable Reasonable Avoidance Measures for GCN to be approved prior to commencement of development and implemented accordingly during the construction phase

We concur with the recommendation of the ecological assessment, that to ensure that the development during construction phase has no detrimental impact on the favourable conservation status of the local GCN population appropriate Reasonable Avoidance Measures should be approved and implemented during the construction phase

NRW therefore requests that any planning permission given for the development includes a suitably worded condition requiring a Reasonable Avoidance Measures to be submitted and agreed to the satisfaction of the local planning authority prior to the commencement of the development. The RAMS should be produced by a suitably qualified ecologist. We note that an outline of the RAMS that are deemed appropriate by the ecologist are included in section 4.3 'Recommendations' of the ecological assessment report

The applicant should be advised that should GCNs be discovered during the work, all work should stop immediately and NRW contacted for further advice. Where a European protected species such as the GCN is present, a development may only proceed under a licence.

Subject to Reasonable Avoidance Measures being approved and implemented accordingly during the construction phase, we are satisfied that the proposal will not have a detrimental impact on the maintenance of the favourable conservation status of the local great crested newt population.

Powys Land Drainage

Having considered the information which has been submitted, the lead Local Flood Authority (LLFA) would make the following comments/recommendations:

Local Flood Risk / Land Drainage

Observation:

It is noted that within submitted Drawing No. 1172/SK1 Rev F does not show the existing lined open watercourse. Drawing No. 1172/SK2 Rev. F does show the open channel but omits the culverted watercourse which carries the 'normal' flows through

Comment:

The watercourse flowing through this site is deemed an ordinary watercourse.

Comment:

The Authority holds no historical flooding information relating to this greenfield site. However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a 'High' chance of flooding from surface water. 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. There are known surface water issues caused by overtopping/blockage of the watercourse in the proposed development site. The LPA should ensure that the developer ensures that these concerns are fully investigated.

Comment:

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (*which would allow also allow for overland flows*) without prior permission of the LPA.

Comment:

The LLFA is, in general, opposed to culverting ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels

Advisory:

Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>

Advisory:

It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (*this will apply to any culverted sections of watercourse*). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property

Recommendation:

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (*which would allow also allow for overland flows*) without prior permission of the LPA

Reason:

To ensure that the proposed development does not compromise the function of the *waterbody/land drainage system* and that any proposed alterations are fully compliant with regulations and are of robust design.

Surface Water Drainage

Observation:

The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. A new road/dwelling may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime. A Drainage Strategy will be required, the scope of which will need to be agreed with the Lead Local Flood Authority

Observation:

No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be drained/disposed. However, reference is made under Item 13 Drainage on the Planning Application form where it indicates that the site will be drained to existing watercourses. This would need to be revised to show the best practices as detailed in the comments below particularly as housing below has previously flooded from surface water/ blockage on the proposed development site.

Observation:

The Lead Local Flood Authority would seek on site attenuation to the 1 in 100 year standard whilst limiting discharge to the existing 1 in 1 year Greenfield run-off for the connected impermeable areas.

Comment:

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards. These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Sustainable Drainage

Comment:

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

I hope the above is helpful but should you require any further information then please do not hesitate to contact me.

Severn Trent Water Authority

14/07/17

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

Following a request for the aqueduct to be taken into account the following additional comments were received:

23/10/17

The Elan Valley Aqueduct is one of the most strategic assets within the Seven Trent Water (STW) Network, any damage to this could have catastrophic effect on customer supply and our network.

The attachment dated 2006 contains no engineering calculations to support the proposal for the crossing over the Aqueduct, or any indication that the line and level and distance between the 4 pipes forming part of the Elan Valley Aqueduct has been confirmed, the proposal could destabilise the Aqueduct pipes. We would like to know what other proposals the customer has for a designated crossing point to protect the Aqueduct, their site layout and drainage, much more information and investigation is required.

The customer / planning applicant is required to submit an application for Asset Protection to STW as detailed below for review of their proposals.

We will require up to date full detailed site plans to clearly indicate what is proposed in the area above the Aqueducts and in close proximity.

No building temporary or permanent is permitted a minimum of 6 metres either side of the outermost pipe, subject to review this may be greater when line and level of Aqueduct pipes is confirmed.

Please see attached Asset Protection information with precautions, conditions and requirements when working in close proximity of STW Aqueducts.

The application form can be found on the Severn Trent Water website at

<https://www.stwater.co.uk/building-and-developing/other-developments/diversions/>

Please click on download water diversion application form and complete the form as fully as possible, we currently have no Asset Protection form available, please mark clearly on the form Asset Protection for the attention of Alison Faith.

Information on application charges can be found at

<https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance>

in "Our Charges" - Developer Charges 2017-2018 in Section 5, the relevant fee is £509.90 +VAT Total = £611.88, the initial deposit fee.

06/11/17

The additional highways information has not confirmed details on the line and level of the Aqueduct. Severn Trent Water need more information to review before we can accept the proposal to construct a crossing over the Aqueduct, including what alternative proposal do they have for a designated crossing over the Aqueduct, the current proposal is based on insufficient information.

The layout of the road indicates a lot of construction proposed either side of the Aqueduct which could destabilize the ground and pipes.

The site plan forwarded shows an indication of the line of Aqueducts, the true line of the Aqueducts needs to be confirmed prior to finalising the site plan. No building is permitted 6 metres either side of the outer most pipe of the Aqueduct, the pipes and easement must not run through any property boundaries. The true line of the Aqueducts and the easement required can impact on the final site layout.

We would not accept the reinforced concrete over the Aqueduct or between the pipes due to restricted access for maintenance and repair, alternatives for crossing over the Aqueduct need to be submitted along with more investigation.

Powys Schools Service

Following consultation in 2004 and discussions with the applicant in 2005 it was agreed that a contribution of £40,000 would be paid for improvements to the Knighton Primary School.

Following further consultation in 2015 a request was received for a contribution of £269,389 towards improvements for the primary school based on increased pupil numbers and the original proposal for 133 dwellings with the following explanation

“This figure excludes any contribution to the secondary sector and assumes a level of inflationary increase in cost. The monies would be used in conjunction with other Section 106 monies to remove the temporary accommodation at the school and replace it with a permanent build. In addition the Authority would undertake a re-configuration of any unused internal classroom bases and extend and re-furbish the Reception/Office/Waiting Area.”

The Education Department has been made aware of the decrease in numbers of dwellings proposed and a reply is awaited. It is hoped that this will be reported via an update report.

Powys Affordable Housing Officer

12/07/2017

We are happy with the application which includes a provision of 31% affordable dwellings as long as the following guidelines are adhered to:

- All affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing Policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

Representations

The original consultation process resulted in a petition comprising the names of 95 residents of Fronhir and Pontfaen estates being received objecting to the proposal on the following grounds:-

- overlooking and loss of privacy;
- traffic situation would be dangerous on a busy road where speed restrictions are not respected;
- concern regarding water/sewerage for the proposed estate;
- no employment in the area;
- shopping facilities are much to be desired.

In addition, letters were received from 15 parties, 12 objecting to the proposal and 3 registering concerns.

The issues raised were as follows:-

- increased risk of flooding of existing housing.
- insufficient demand in Knighton for 133 dwellings;
- the proposal would alter the nature of the town with ""a large influx of people"";
- insufficient employment in the town for likely residents;
- the proposal would affect the privacy of existing dwellings with overlooking from this elevated site;
- traffic concerns and the proposal would result in tractors and lorries passing through the housing estate;
- residents wish to retain their existing access onto Ludloe Road, via Llanshay Lane;
- sewerage implications;
- lighting should be kept to a minimum;
- no facilities for children;
- community facilities such as medical and educational are overstretched already;
- likely devaluation of nearby homes;
- loss of view of green fields and trees;
- request for TPO on trees;
- part of application site on land owned by third party with no notification served on behalf of the applicant;
- lack of faith in the democratic process for determining planning approvals.

The re-consultation process consequent on a reduction in numbers of housing units from 133 to 103 has attracted further comments. The Town Council has appended the representation from the resident of Copthorne which is a dwelling adjacent to the site which is included in its comments of 25/07/2017 and it is worth reproducing the most recent from that resident (see appendix 1) as it summarises the feelings of many of the objectors to the application with regard to the planning process in so far as it relates to this scheme.

74 signature petition largely from residents of Pontfaen and Fronhir:

- Plans unsustainable; inadequate health care, school not large enough.
- Another junction onto the busy A4118.
- Existing planning permissions not built out.
- Too many houses

17 individual letters of local objection from local residents mirroring the petition and with some additional comments:

- A development of this size would offer very little to the town, becoming a dormitory suburb and offering little support to the economy.
- Damage to the environment and increased water flow into the Teme and adjoining watercourse.
- Social housing is needed not affordable.
- Diverting heavy traffic through the middle of a housing site would be dangerous.
- There is no reasonable possibility of delivery.
- There is no footpath on the south side of Ludlow Road.
- There are no jobs.
- It will add to the ageing of the population.

The residents of Copthorne, (adjacent to the site) have made representations in detail and their concerns have been referred to and supported by the Town Council. It is considered appropriate to give members the opportunity to have access to their letters in full and these are reproduced in Appendices 1 and 2.

Radnorshire wildlife Trust:

The site is no longer allocated within the Powys LDP deposit draft. The LDP has been more a more rigorous and improved strategic plan than was the case with the UDP. We find it hard to be viewed as a 'windfall' site given the scale of the development-one of the largest proposed housing developments at a single location in Radnorshire in the past 30 years.

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National planning policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note 1: Joint Housing Land Availability Studies (2015)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 20: Planning and the Welsh Language (2013):

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Powys Unitary Development Plan (2010)

UDP SP2 - Strategic Settlement Hierarchy

UDP SP3 - Natural, Historic and Built Environment

UDP SP4 - Economic Development and

UDP SP5 - Housing Development

UDP SP6 - Development and Transport

UDP SP9 – Local Community Services and Facilities

UDP SP14 - Development in Flood Risk Areas

UDP GP1 - Development Control

UDP GP2 – Planning Obligations

UDP GP3 - Design and Energy Conservation

UDP GP4 - Highway and Parking Requirements

UDP ENV1 - Agricultural Land

UDP ENV2 - Safeguarding the Landscape

UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP ENV 8 - Tree Preservation Orders
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Development
UDP HP6 - Dwellings in the Open Countryside
UDP HP7 - Affordable Housing within Settlements
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
UDP CS3 – Additional Demand for Community Facilities
UDP T2 - Traffic Management
UDP TR2 - Tourist Attractions and Development Areas
UDP RL6 - Public Rights of Way and Access to the Countryside
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 - Mains Sewerage Treatment
UDP DC13 - Surface Water Drainage

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010, Updated July 2011

Powys Residential Design Guide

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

Members will be aware from the representations made by objectors to the scheme that there is a strong view that the Unitary Development Plan is out of date and that the allocation of the land at Llanshay for housing is no longer sustainable.

The Unitary Development Plan remains the plan which determination must be made in accordance with unless material considerations indicate otherwise. Given that the site is a housing allocation in the Unitary Development Plan (guideline 100 dwellings), Officers advise that the principle of the development complies with the adopted plan.

Housing Land Supply

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-*

year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'

The most recent Joint Housing Land Availability Study (JHLAS) was undertaken in 2016 which stated that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Knighton is defined as an Area Centre in the UDP. Area Centre settlements normally act as an important service hub to the surrounding area.

It is noted that the settlement of Knighton is served by a primary school, supermarket, petrol station, and health services and a range of financial and retail services. It is also noted that it is served by bus routes with regards to public transport.

As the site is adjoining an Area Centre which benefits from a wide range of services, the site is considered to be a sustainable and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Safeguarding Agricultural Land

Policy ENV1 of the UDP relates to the safeguarding of the best and most versatile agricultural land and indicates that it may be appropriate to safeguard lower quality land where such land is of particular value within the locality.

Since the application was submitted policies relating to safeguarding agricultural land have been strengthened.

Paragraph 4.10.1 of Planning Policy Wales states that:

In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

On the 27th November 2017 Predictive mapping became available and this indicates that the site is classified as land in grade 3a. Planning Policy Wales is therefore a material consideration to be taken into account when coming to a final conclusion.

Highway Considerations

Concern has been raised regarding the implications of a new access onto the Ludlow road and the routing of Llanshay Lane Traffic (which can include large vehicles serving agricultural holdings) through a new housing estate.

Indicative drawings show an access to the site opposite the Pontfaen and Farrington Lane Housing Estates with visibility splays and traffic management measures.

One specific concern raised by residents is that people will be in danger crossing from any new development to get to the other side of the road and the town centre thereafter. The plans show new pavements and pedestrian crossings which would potentially mitigate such concerns and the Highway Department has offered conditions to be applied in this and other respects if approval is granted.

Another major concern is the need to create a new and acceptable crossing of the Elan Valley Aqueduct and the impact that this will have on the construction and alignment of the new road. This will require safeguarding conditions to be placed on any approval.

With regard to the concern about through traffic, the existing Llanshay Lane access is considered to be severely substandard and there would be some gain in its closure to traffic except for access to two existing dwellings. In addition the highway requirements for pavements and safe pedestrian crossing would mitigate against any additional hazards.

Although Members are advised to carefully consider the Highway Officers concerns, Development Management considered that there is insufficient evidence to demonstrate that an access is not possible. Refusal is therefore not recommended on this basis.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the information provided, it is considered that the application site is capable of accommodating 103 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Residential amenity

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. More specific guidance is set out in the Powys Residential Design Guide.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting and orientation. Officers consider that a development can be designed not have an unacceptable impact on neighbour amenity.

It is considered that the proposal is capable of according with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide so far as it relates to residential amenity.

Affordable Housing

The proposed development seeks to provide 32 affordable dwellings. This relates to 31% affordable housing being provided for the proposed development which meets the guidance contained within the Powys UDP.

In light of the above, it is considered that should planning permission be granted appropriately worded conditions will be attached in order to secure affordable housing in compliance with policies HP8 and HP10 of the Powys Unitary Development Plan.

Landscape and Visual Impact

In designating the site for development in the Unitary Development Plan an exercise would have been undertaken to assess its suitability in terms of landscape and visual impacts.

The site has a reasonable relationship to the built form of the town with residential areas abutting to the west and housing estates on the other side of the Ludlow Road.

The land sits above the existing highway and housing but its development would not be likely to give rise to unacceptable landscape and visual impacts if the housing is of good quality design and the topography and existing vegetation are taken account of.

Ecology

Concerns have been expressed by objectors regarding impacts on biodiversity. In this respect NRW have accepted the results of a survey and recommend the placing of a safeguarding condition on any approval.

The site has a number of mature trees and hedgerows which should be retained in any future layout and would assist in integrating the development with its surroundings.

The proposal is therefore acceptable in principle when assessed against the current policy context.

Historic Environment and Listed Buildings

Whilst there is an Historic Park (Stanage) and a number of Archaeological sites in the locality none of them are in such proximity as to give rise to concerns relating to adverse impacts if the development were to go ahead.

The Grade 2 listed Llanshay Farm complex sits above the development site but the topography and distance involved mitigate against any adverse impact on its setting.

Land Drainage and Flooding

A small open water course runs through the western portion of the site but otherwise the site itself raises no particular concerns regarding drainage or flooding although its development has the potential to cause or exacerbate off site problems which is a matter raised by some local residents. Both Severn Trent and Powys Land Drainage Authority have suggested conditions to mitigate against adverse on or off site impacts.

The Elan Valley Aqueduct

It assumed that, in designating the site for development in the UDP, account was taken of the major constraint posed by the underground aqueduct. The Severn Trent Water Authority have now made their concerns known and forwarded a number of requirements which will have to be adhered to in not only crossing the aqueduct but in developing land adjacent to it and any planting in its vicinity.

If an approval is to be granted in outline a robust condition/conditions will need to be applied to any outline to safeguard this vital infrastructure.

The easement requirements for the aqueduct require that a substantial strip of land at the frontage of the site will have to remain undeveloped. The applicant's agent has confirmed that this will remain in the ownership of the applicant and remain agricultural and undeveloped.

Section 106 contributions

The applicant has accepted in principle that they are prepared to enter into a Section 106 Agreement to provide monies to contribute to local educational needs. At the time of

writing this report there was no response from the Schools Service regarding a revised sum which they would seek to negotiate.

Other matters

Concerns were raised in the past about inadequate public consultation. The proposal has been advertised and consulted on three times since 2015 and it is hoped that these concerns have been satisfied.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

In light of the fact that this site is an allocated housing site and the need to increase housing land supply, it is considered that the developments impact on agricultural land does not in this instance justify refusal.

The recommendation is therefore one of conditional approval subject to a Section 106 agreement to secure within 3 months from the date of the committee meeting:

- Amenity space provision within the application site in accordance with fields in trust standards; and
- A contribution to Knighton primary school, if justified,

If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The scheme must demonstrate that it has taken full account of the need to safeguard the integrity of the Elan Valley Aqueduct.

5. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

6. Prior to commencement of development, a Biodiversity Enhancement Plan to include details of proposed bird nest boxes/cups and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

7. Prior to the commencement of development an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

8. Prior to commencement of any part of the development an investigation is to be undertaken by appropriately qualified persons to determine the exact locations of the pipework constituting the Elan Valley Aqueduct in accordance with a methodology submitted to and approved in writing by the Local Planning Authority.

9. Prior to commencement of any part of the development full engineering specifications and sections shall be submitted to and approved in writing by the Local Planning Authority demonstrating the means of any crossings of the Elan Valley Aqueduct including highway works and provision of underground services.

10. No development or excavation whatsoever (apart from any works approved under conditions 8 and 9) shall take place over or within a 6m exclusion zone of the Elan Valley Aqueduct.

11. No piling or drilling shall take place (with the exception of works approved under conditions 8 and 9) within 20 m of the pipes constituting the Elan Valley Aqueduct.

12. All 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
- 0800-1300 hrs 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

13 .Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority detailed engineering proposals for the means of access onto Ludlow Road, all on site highways including Active Travel links within the site and along Ludlow Road and all associated works.

14. Prior to any works being commenced on the site a scheme for the phasing of the development including the construction of access roads and associated works

shall be submitted to and approved in writing by the local planning authority and shall thereafter be implemented in accordance with the approved details.

15. Prior to any works being commenced on the site the means of access and access roads and associated works referred to above, shall be fully completed to the written satisfaction of the local planning authority.
16. Prior to the occupation of any dwelling the Active Travel links and closure of the Llanshay Lane to through traffic shall be fully completed to the written satisfaction of the local planning authority.
17. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
18. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
19. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
20. The width of the access carriageways shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
21. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
22. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
23. 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.
24. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

25. No storm water drainage from the site shall be allowed to discharge onto the county highway.
26. Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.
27. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, prohibition of vehicular traffic along Llanshay Lane and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority.
28. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.
29. No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (*which would allow also allow for overland flows*) without prior permission in writing of the LPA.
30. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - iv. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - v. include a timetable for its implementation; and
 - vi. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

31. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% 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 [or the management of the affordable housing (if no RSL involved)]; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

32. The affordable dwelling/s shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

33. The recommendations in the John Sloan and Churton Ecological Report dated September 2015 (updated for Great Crested Newts July 2016) are to be complied with and prior to commencement of development Suitable Reasonable Avoidance Measures for Great Crested Newts are to be submitted to and approved in writing by the Local Planning Authority and implemented accordingly during the construction phase.

Reasons

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

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

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

4. To comply with Powys County Council's UDP Policies SP3, ENV3, GP1, DC8 and DC9 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

5.-6 To comply with Powys County Council's UDP Policies SP3, and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To ensure that any external lighting does not impact on any protected biodiversity features in accordance with TAN5 and UDP policies ENV4, ENV5, ENV6 and ENV7.

8-11 To ensure that the integrity of the Elan Valley Aqueduct and the public water supply are not compromised in accordance with Planning Policy Wales (Edition 9, November 2016) and UDP policies GP1, DC8 and DC9

12. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.

13-27. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

28. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with UDP Policies DC10 and DC13.

29. To ensure that the proposed development does not compromise the function of the *waterbody/land drainage system* and that any proposed alterations are fully compliant with regulations and are of robust design in accordance with UDP policies DC 9, and DC13.

31. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010).

32. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010)

33 To comply with Powys County Council's UDP Policies SP3, and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>

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It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (*this will apply to any culverted sections of watercourse*). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards. These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Should Great Crested Newts be discovered during the work, all work should stop immediately and NRW contacted for further advice. Where a European protected species such as the GCN is present, a development may only proceed under a licence.

Appendix 1

Letter Appended to Knighton Town Council's Recommendation of Refusal dated 25/07/17

(Ref: RAD/2004/0572)

This is an objection from Bernard and Diane Edwards of Copthorne, Llanshay Lane, Knighton, to the full planning application for residential development of 133 dwellings, vehicular access and associated engineering works proposed for a rural site either side of Llanshay Lane, Knighton.

We object to this planning application in the strongest terms. For the reasons set out in this objection letter, we request that Powys County Council reject this specious proposal outright.

Our objection is structured around four key issues:

1. Non-determination of original planning application
2. Notification of current planning application
3. Planning application documentation
4. Llanshay Lane - Policy context

1. Non-determination of original planning application

The proponent initially lodged this planning application with Powys County Council on 24th November 2004. Despite nearly 10 years passing, it appears that the Llanshay Lane application has remained undetermined by Council.

Given the significant change in Council's local housing policy since 2004, from good governance, management and policy perspectives, Council needs to state why this planning application has not been assessed and determined in the 10 years that has lapsed since its lodgment? What reason(s) would Council have not to determine this planning application?

2. Notification of current planning application

The planning application was (re)lodged with Council on 24th June 2015. Council has a public duty and notification policy to inform local residents that might be affected by major planning applications.

We only became aware of the Llanshay Lane planning application by reason of a notice on a gate in the lane. As an adjacent landowner to the Llanshay Lane site, at the time of drafting this objection, **we still have not received formal written notification** of this major planning application, with which we share a boundary. This raises a critical question as to whether Council has followed policy and due process in the proper public notification of the Llanshay Lane planning application.

3. Planning application documentation review

The description indicates that this is a **full** planning application for '133 dwellings, vehicular access and associated engineering works'. Upon review of the planning documentation made publicly available on Council's website, it is clear that the planning application and supporting documentation is woefully inadequate and out of date. The level, quality and relevance of information provided is not adequate to support an outline planning application, let alone a full planning application, which this proposal claims to be.

The following provides a review and rejection of the sparse documentation provided and identifies areas where a legitimate full planning application would have provided supporting information:

Landscape Framework

The only concept design drawing supplied to support the planning application is referred to as the *Landscape Framework*, dated August 2003. The *Landscape Framework* is split onto two pages and fails to provide a comprehensive plan of the proposed development in its context. For the purposes of assessing this full planning application, this 2003 landscape plan is considered completely inadequate.

Site access The only access / traffic plan provided to support the planning application is referred to as ‘*Ghost Island junction proposals for safety audit Stage 1/2*’. This plan appears to be a detailed but incomplete road engineering plan for the northern part of the site closest to the Ludlow Road, dated 31 July 2008 and amended on 27 February 2009. There is nothing in the documentation provided to explain how this plan relates to the design proposed in the *Landscape Framework*. For the purposes of assessing this full planning application, this plan is incomplete and considered completely inadequate.

Ecology An outdated Ecological Survey dated November 2005 has been supplied to support the planning application. Ecology reports supporting planning applications are required to be a recent and therefore relevant record and analysis for flora and fauna on the site and protected species. Given changes in legislation and in the species needing protection, an ecological assessment undertaken 2003 will be of limited relevance to the present day. For the purposes of assessing this full planning application, this ecological survey is out of date and therefore considered completely inadequate.

Drainage A preliminary drainage assessment report dated September 2006 has been supplied to support the planning application. For the purposes of assessing this full planning application, this preliminary drainage assessment report may be valid, but is considered out of date and inadequate.

Planning brief The planning brief that is included in the documentation on the website is no longer relevant. Whilst the preparation of a planning brief is a legitimate means for Council to amplify the particular challenges and opportunities of a site, this planning brief is now rendered irrelevant as the strategic planning undertaken for the LDP resolved to exclude this site from those required for future housing development.

The following provide a list of documentation, assessments and reports that could be legitimately required to support a full planning application for major residential development.

The Llanshay Lane proposal is a full planning application and a major development proposal, but provides none of the following:

- No context plan or context statement that places the proposal in its town and local context;
- No site and area analysis is provided;
- No planning report justifying the proposed development in respect of the current national and local planning policy framework that addresses compliance with the UDP or non-compliance with the Draft LDP;
- No concept design or design statement is provided;
- No landscape design statement;
- No sustainability statement is provided;
- No traffic and access plan or traffic assessment report is provided;
- No site sections are provided and there is a significant slope across the total site;
- No street elevations are provided;
- No street typology sections are provided;
- No building elevations are provided;
- No building sections are provided;
- No visual impact studies of the proposed development is provided;

- No public domain plan identifying streets and public open space areas that will be transferred to Powys County Council has been provided;
- No geotechnical / soils assessment has been provided;
- No services and infrastructure assessment beyond drainage has been provided;
- No contamination assessment and remediation strategy has been provided;
- No engineering or public risk assessment in respect of the below ground water mains that run east-west through the site has been provided;
- No socio economic assessment of need or impact of proposed housing has been provided; and
- No management plan for the proposed mix of private and social housing has been provided.

4. Llanshay Lane - Policy context

The Llanshay Lane planning application was initially conceived of and lodged with Council in 2003-4. It was prepared under the former policy provisions of the Draft Powys Unitary Development Plan (UDP). At that time, the Draft Powys UDP had indicated that the Llanshay Lane site could provide potential future housing for Knighton.

At the time of lodgment of the original Llanshay Lane planning application, we met with Council officers and later made a submission objecting to the proposal. Whilst objecting in principle to the proposal, we acknowledged that if the proposal was to proceed, it should be better designed. To support this, we prepared an alternative and better-resolved concept plan and provided this to Council as part of our submission.

The Powys UDP 2010 was adopted in March 2010. The published version of the UDP is based upon the Deposit Draft UDP 2004 and includes all approved UDP modifications since 2004. The UDP sets out the principles for development in Powys until 2016. It provides a basis for making decisions on planning applications and where certain types of development should or should not be allowed. It also sets out the county's need for land for housing, employment and other infrastructure.

It is understood that the Unitary Development Plan remains in place until the adopted Local Development Plan replaces it. This means that until such time as the LDP is adopted, decisions on planning permissions will be based on the UDP. When adopted by Council, the LDP will constitute the development plan for Powys County Council. As part of the process of preparing the LDP process (2011-2026), Council is consulting on revised Deposit Local Development Plan (LDP) documents.

In the preparation of the draft LDP, Council initially consulted on potential 'Candidate Sites'. These were housing, employment and other sites within the Powys UDP that were being re-evaluated for inclusion or otherwise in the Draft LDP. The Llanshay Lane site was identified as a potential 'Candidate Site' for consideration.

We made a submission to the 'Candidate Sites' community consultation. Our submission 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

the redevelopment of brownfield and other infill sites close to the town centre for future housing sites. This strategy does not support the development of housing sites at the periphery of the town, such as Llanshay Lane.

Following the 'Candidate Sites' community consultation, Council published the LDP Preferred Strategy in 2012, followed by the Initial Deposit Draft LDP in 2014. The Initial Deposit Draft LDP put 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. **The Initial Deposit Draft LDP (2014) did not include the Llanshay Lane site as a housing development site.** Presently, a Revised Deposit Draft LDP is currently on exhibition (until 20th July 2015) for further public comment. **Again, the Revised Deposit Draft LDP (2015) does not include the Llanshay Lane site as a housing development site.**

From a policy perspective, the Powys UDP has a planning timeframe that expires in 2016 and will soon be being replaced by the Powys Local Development Plan. The Draft LDP policy framework is considered to represent Council's contemporary thinking in respect of strategic planning policy for growth and development of Powys. In contrast, the UDP policy framework is outdated, reflecting former planning policies and not representative of contemporary best practice planning.

Whilst it is acknowledged that the assessment and determination of the Llanshay Lane planning application legally needs to take account of the current UDP, it is clear that the Llanshay Lane proposal is no longer consistent with the proposed LDP's planning 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 planning application on planning policy grounds, as it is inconsistent with the Draft Powys LDP, which represents Council's forward planning strategy for the next 11 years to 2026.

Conclusions and recommendation

The reappearance of this poorly conceived proposal is causing significant concern and stress to our neighbours and us. As long-term members of the Knighton community, we have contributed to and supported the direction of the Powys LDP, which amongst its objectives, seeks to create more compact, walkable and sustainable towns and villages. It is with significant dismay and anxiety that we to see the same Llanshay Lane planning application re-emerge after 10 years. This planning application is poorly designed, inadequate and completely inconsistent with Powys County Council's Draft LDP policies on urban form, housing and sustainability.

The proponent has supplied insufficient supporting documentation for either Council or local residents to assess and determine an outline planning application, let alone a supposed full planning application. First and foremost, the documentation supporting the Llanshay Lane planning application is completely out of date and therefore no longer relevant. In re-lodging this planning application, the proponent's strategy would appear to be more of a last roll of the dice, rather than a legitimate and well-founded proposal.

In these circumstances, we believe and recommend that where Council has outdated and insufficient information with which assess a supposedly full planning application and that this proposal is completely inconsistent with the Council's LDP planning framework, the application should be dismissed outright and refused planning permission.

Further, as this proposal significantly affects both our property and our wellbeing, we wish to be kept informed in writing of Council's progress in its determination and rejection of the Llanshay Lane planning application. Please contact us by letter, email or telephone. Our details are provided below.

Yours faithfully

Appendix 2

This is a further objection from Bernard and Diane Edwards of 'Copthorne' Llanshay Lane, Knighton, to the outline planning application for residential development of 103 dwellings, vehicular access and associated engineering works proposed for a rural site either side of Llanshay Lane, Knighton.

We again object to this planning application in the strongest terms. For the reasons set out in this submission, we request that Powys County Council reject this specious proposal outright.

This further objection to the Llanshay Lane proposal is consistent with our previous objections and submissions to the ongoing LDP process and structured around the following key issues:

- 1. How long does it take to assess and determine a planning application*
- 2. What's the point of developing a strong planning policy and land use strategy if you ignore it?*
- 3. Demographics and planning strategy are strongly correlated*
- 4. Outline planning applications, design and site access as a 'reserved' matter*

1. How long does it take to assess and determine a planning application?

Government advises that a Council should generally determine a planning application within **eight weeks**,

but notes that large or complex applications may in fact take longer.

The proponent initially lodged the Llanshay Farm outline planning application with Powys County Council on **24th November 2004**.

At the time of writing this latest submission, it has taken Powys County Council **over 660 weeks (4,624 days)** to get this far. And the application is still not determined.

Given the considerable change in planning and land use strategy affecting the Llanshay Lane sites since 2004, from good governance, management and policy perspectives, Powys County Council needs to state publicly why this outline planning application has not been assessed and determined during the 12 years and 7 months that have lapsed since lodgement

What reasons would Powys County Council have not to determine this planning application before now?

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

The following provides a summary of the long planning timeline for the Llanshay Lane sites in respect to the evolution of local planning strategy and policy.

Powys UDP 2010

The Llanshay Lane outline planning application was initially developed in 2003 and lodged with Powys County Council in late November 2004.

The outline planning application was prepared under the former policy provisions of the Draft Powys Unitary Development Plan (UDP), which at that time indicated that the Llanshay Farm site could provide future housing supply for Knighton.

At the time of lodgment of the original Llanshay Lane planning application, we met with Council officers and later made our first submission objecting to the proposal. Whilst we objected in principle to the proposal, we acknowledged that if the proposal was to proceed, it should be better designed. To support this, we commissioned an alternative and better-resolved concept plan for the sites and provided this to Council as part of our submission.

The Powys UDP 2010 was adopted in March 2010. The published version of the UDP is based upon the Deposit Draft UDP 2004 and includes all approved UDP modifications since 2004. The UDP sets out the principles for development in Powys until 2016. It provides a basis for making decisions on planning applications and where certain types of development should or should not be allowed. It also sets out the county's need for land for housing, employment and other infrastructure.

A Powys UDP 2010 remains in place until the adopted Local Development Plan replaces it, which means that until such time as the Powys Local Development Plan (LDP) replaces it, decisions on planning permissions are to be based on the UDP.

Draft Powys LDP

Powys County Council has been preparing the Draft Powys LDP since 2011. When adopted, the LDP will constitute the development plan for Powys County Council for the period 2011-2026. As part of the process of preparing the LDP process, Council has consulted extensively on revised draft Deposit LDP documents. The drafting of the LDP is well advanced, but still not formally adopted. The Powys UDP 2010 expired in 2016.

LDP 'Candidate Sites'

In the preparation of the draft LDP, Council initially consulted the community on potential 'Candidate Sites'. These were housing, employment and other sites within the Powys UDP that were being re-evaluated for inclusion or otherwise in the Draft LDP.

The Llanshay Lane sites were not identified as a potential 'Candidate Sites' for consideration.

Our submission to the 'Candidate Sites' consultation 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.

This consolidation strategy does not support the development of housing sites at the periphery of the town, such as Llanshay Lane.

Following the 'Candidate Sites' community consultation, Council published the LDP Preferred Strategy in 2012, followed by the Initial Deposit Draft LDP in 2014. The Initial Deposit Draft LDP put 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.

The Initial Deposit Draft LDP (2014) did not include the Llanshay Lane site as a housing development site. A Revised Deposit Draft LDP, exhibited in July 2015 did not include the Llanshay Lane sites as a housing development sites.

From a policy and operational perspective, the Powys UDP expired in 2016 and will soon be being replaced by the Powys Local Development Plan. The Draft LDP policy framework 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.

In contrast, the UDP policy framework, for which the Llanshay Lane outline planning application so heavily relies, is based upon outdated planning policies and demographics and not representative of the Draft LDP's best practice planning.

Whilst it is acknowledged that the assessment of the Llanshay Lane outline planning application legally needs to take account of the current UDP, it is clear that the Llanshay Farm / Lane 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.

3. Demographics and planning strategy are strongly correlated

The Llanshay Lane outline planning application relies solely on the planning policy provisions and demographic projections of the former Powys UDP 2010, the provisions of which expired in 2016.

Powys UDP 2010 was drafted at a time when economic growth was more buoyant and population growth more positive, and some 4-5 years before the onset of the global financial crisis.

The demographic profile and projections for Wales, Powys and Knighton have changed considerably since the drafting of the Powys UDP. The latest demographic profiles and projections need to be taken into account in the formation of planning strategies and in the determination of planning applications.

Statistical First Release

The Welsh Government has just been published its *Statistical First Release* which presents the results of the 2014-based local authority household projections for

Wales for the 25-year period from 2014 to 2039. They are based on the 2014-based population projections produced by Welsh Government on 29 September 2016.

*Welsh Government - Statistical First
Release: Local Authority Household
Projections (2014-based) [23 March
2017 Ref SFR 30/2017]*

There is strong correlation between demographic statistics, population and household projections and planning strategy.

The Planning (Wales) Act 2015 gained royal assent in July 2015 and a key element of the Act enables local planning authorities to come together and prepare a Strategic Development Plan which transcends local authority boundaries, covering a wider geographical area. Evidence to support plan preparation includes demographic statistics and population and household projections, which will need to be considered in a strategic context. Future iterations of projections will play a role in shaping strategic plans.

All local planning authorities with adopted Local Development Plans (LDPs) have to prepare an Annual Monitoring Report (AMR), which measures how policies have performed, and what corrective action may be required. AMRs play a critical role in ensuring that the LDP is kept up-to-date. The progress demonstrated within the AMRs can have a bearing on future population levels and distribution, demographic profiles, and house prices. These outcomes and their relationship to the key objectives of the plan will form part of the AMR.

Some key facts from the Statistical First Release

In Wales:

- The number of households is projected to increase by around 140,000 to 1.47 million by 2039 (that is, by 10.5 per cent)
- Nearly 2 in 3 households are projected to consist of one or two persons with no children
- There is projected to be a 17 per cent increase in the number of lone-parent households

In Powys:

- There is projected to be a 2 per cent decrease in the number of households in Powys, however the projections show a rise to 2026 and then a fall to 2039
- Average household size is projected to decrease from 2.29 persons per household to 2.17
- Average household size is projected to be lowest in Powys with an average of 2.07

In Knighton:

Population statistics and estimates for Knighton are also revealing:

- In the 2001 UK Census, the estimated population of Knighton was 3,043 persons
- In 2005, the Knighton's population was estimated to be 3,336
- In the 2011 UK Census the estimated population of Knighton was 3,007
- In 2015, the Knighton's population was estimated to be 2,977

An ageing demographic

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%).

In summary

These local and regional statistics and trends mean that:

- since a peak in 2005, Knighton's residential population has and continues to been in decline;
- Knighton has higher than the national average of people aged over 65;
- as part of Powys, Knighton's ageing demographic is reflected in a low average household size projections of 2.07; and
- a sluggish economy combined with an ageing and shrinking population will not deliver local jobs growth.

The Draft Deposit LDP population projections and Knighton's spatial planning strategy are considered to be well correlated. When Knighton's local economy does recover and the residential population starts to grow again, the allocated residential sites located close to the town centre can developed so as to provide a sustainable new housing supply within easy walking distance of the town centre.

From a planning policy perspective, this means that Knighton's shrinking and ageing population does not require additional allocations of land for housing and that Powys County Council's decision to not include the Llanshay Farm / Lane site and other sites was indeed warranted and the correct planning strategy.

4. Outline planning applications, design and site access as a 'reserved' matter

Design

In the most recent outline planning application documentation submitted to Council, dated July 2017, the design and dwelling yield has been amended.

The supporting planning statement waxes lyrical about the contextual character of the proposed 'design', how it is 'acceptable'. In reality, the original (and amended) design and layout of the site is very poor and would deliver a very ordinary 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 outline planning application process.

Site access – November 2004 to July 2015

In the original planning application documentation for Llanshay Farm / Lane sites submitted to Council in November 2004 and the documentation in July 2015 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 / Lane sites.

It is understood that Council wrote to the proponent in May 2016, requesting:

- Resolution of the highway layout issues, in the light of the objection received from the Highway Authority. As access, and layout were not 'reserved' for future consideration, these matters require a full statement covering means of access

gradients and alignments, parking provision, dwelling numbers, types and design, open space provision and landscaping, drainage, affordable housing allocation and ecological mitigation; and

- In the light of the NRW objection, an updated ecological assessment.

Site access – July 2017 – Too hard

In the most recent outline planning application documentation submitted to Council, dated July 2017, the proponent has now chosen to 'reserve' site access, to be dealt with at full and detailed level. Clearly, the proponent has been unable to adequately resolve highway layout issues with the Highway Authority and has chosen to not deal with the issue.

This matter goes to the heart of the problems and inadequacies of the outline planning application process.

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

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 development issue?

On such a critical issue as site access, it would be irresponsible to 'approve in principle' development of the Llanshay Farm / Lane site for 103 dwellings, but with no means of achieving adequate road access or services infrastructure.

Conclusions and recommendation

It is with significant dismay and anxiety that this half-baked outline planning application for Llanshay Farm

/ Lane remains undetermined after over 12 years. The reappearance of this poorly conceived proposal is causing significant concern and stress to our neighbours and us.

As long-term members of the Knighton community, we have contributed to and supported the direction of the Draft Powys LDP, which amongst its objectives, seeks to create more compact, walkable and sustainable towns and villages. This outline planning application is poorly designed, inadequate and completely inconsistent with Powys County Council's Draft LDP policies on urban form, housing and sustainability.

The proponent has consistently supplied inadequate supporting documentation for this proposal. In re-lodging this planning application, the proponent's strategy would appear to be more of a last roll of the dice, rather than a legitimate and well-founded development proposal.

In these circumstances, we believe that the amended outline planning application (RAD/2004/0572) for the residential development of 103 dwellings, vehicular access and associated engineering works on land at Llanshay Farm, Knighton is completely inconsistent with the Council's well considered LDP planning framework for Knighton and recommend that Powys County Council dismiss this proposal outright and refuse planning permission.

Further, as this proposal significantly affects both our property and our wellbeing, we wish to be kept informed in writing of Council's progress in its determination and rejection of the Llanshay Lane planning application.

Case Officer: Steve Packer- Principal Planning Office
E-mail: steve.packer@powys.gov.uk