

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

**Application No:** P/2018/0507                      **Grid Ref:** 328392.3 272534.84

**Community Council:** Knighton Town Council                      **Valid Date:** 10/05/2018      **Officer:** Holly-ann Hobbs

**Applicant:** D Willowridge, Willowridge International, 10 Old Cheltenham Road, Longlevens, Gloucester, GL2 0AW.

**Location:** Land at West Street, Knighton, Powys, LD7 1EN.

**Proposal:** Section 73 application for variation of condition nos 2 and 3 attached to planning permission P/2015/0419 to extend the time limit for commencement

**Application Type:** Application for Removal or Variation of a Condition

### The reason for Committee determination

The Local Member has requested that this application is determined by the Planning, Taxi Licensing and Rights of Way Committee.

### Site Location and Description

The site subject to this application is located within the settlement development boundary of Knighton as defined by the Powys Local Development Plan. The application is bound by Offa's Dyke Recreation Centre and Park to the north and east. Located to the south is the public highway and to the west residential properties.

Consent is sought to vary condition 3 attached to outline planning permission P/2015/0419 which states;

*'The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the approval of the last reserved matters, which is the later'.*

### Consultee Response

#### Knightson Town Council

Members of Knighton Town Council made a recommendation by unanimous vote to recommend refusal of this application at its meeting on 23<sup>rd</sup> May 2018.

Can you please ensure that the decision is put on the Powys County Council planning portal?

#### Highway Authority

The County Council as Highway Authority for the County Class I Highway, A488

Does not wish to comment on the application.

### Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

### SEWERAGE

We have no assets mapped in this area. Please consult Severn Trent.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence.

### Councillor Ange Williams – Local Member

I would like to call in the above planning application. The land is in a prime site for development, the application is to retain it as empty which it has been for the last 12 years. There's a need for housing in Knighton and I believe the land could be used better for that purpose or used for workshop space.

### Cadw

Variation of Conditions 2 and 3 of Planning Permission P/2015/0419

Thank you for your letter inviting our comments on the above.

We note that the principle of planning permission has already been accepted with outline permission having already been approved subject to a number of conditions. In particular, that the details of access, appearance, landscaping, layout and scale (i.e. the reserved matters) are approved by the Council before any development begins. Therefore, this application is merely seeking to extend the period for approving these reserved matters and commencement of the development. We have no objection to the extension of time but we wish to be consulted on the reserved matters in order to provide advice to ensure the protection of the Dyke, and its setting, in line with Strategic Policy SP7 of your Local Development Plan (section 3.3.41 (page 45). For example, it is important that the monument is not hemmed in by development and left unmanaged. Furthermore, the development offers the potential to enhance this section of the monument and its setting with opportunities to remove the existing revetment wall, undertake archaeological investigation and consider the conservation / re-grading of the earthwork within a suitably broad grassed buffer zone to the east, supported by a sustainable management plan.

## Clwyd Powys Archaeological Trust

Thank you for the consultation on these condition variations.

There are no archaeological implications for the variation of these conditions.

## Schools Service

*Correspondence received 17<sup>th</sup> July 2018 –*

Although the projected increase in pupil numbers is not as acute as originally projected the school *is* seeing an increase in pupil numbers in the catchment area of the school, with the number on roll projected to increase from 227 in January 2018 to 254 by January 2023. As it is projected that the development would place pressure on both classroom accommodation and associated ancillary facilities at the school the Schools Service wishes to confirm its request for a S106 education contribution of £6,850 in respect of this development.

*Correspondence received 19<sup>th</sup> July 2018 –*

The current capacity is 243 so at 227 the school currently has capacity to accommodate pupils from this development.

The Service is in the process of reviewing the capacity of all its schools so this figure may change but the outcome of the review will not be known until later in the year.

## Natural Resources Wales

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, *Natural Resources Wales and Planning Consultations* (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>.

We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

## **Representations**

The proposed development has been advertised by site display (notice dated 8<sup>th</sup> June 2018). At the time of writing this report, no public representations have been received by Development Management.

## **Planning History**

PR73301- Outline: Residential development comprising of 14 market dwelling units & 7 affordable housing dwelling units, demolition of existing redundant factory. Conditional consent granted subject to a Section 106 Agreement – 09/08/2007.

P/2010/0798 – Outline: Variation of Condition: Condition 1(b) and (c) of PR733/01 to extend the time limit. Conditional consent granted subject to a Section 106 Agreement – 30/05/2012.

P/2015/0419 – Outline: Variation of Condition: Condition 2 of P/2010/0798 to extend time limit. Conditional consent granted subject to a Section 106 Agreement – 18/06/2015.

## **Principal Planning Constraints**

Scheduled Ancient Monuments

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (2016)

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 16 – Sport, Recreation and Open Space (2009)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20 – Planning and the Welsh Language (2017)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

### Local Planning Policy

Powys Local Development Plan (2018)

SP1 – Housing Growth

SP3 – Affordable Housing Target

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM1 – Planning Obligations

DM2 – The Natural Environment

DM3 – Public Open Space

DM4 – Landscape

DM6 – Flood Prevention Measures and Land Drainage

DM10 – Contaminated and Unstable Land

DM13 – Design and Resources  
T1 – Travel, Traffic and Transport Infrastructure  
H1 – Housing Development Proposals  
H2 – Housing Sites  
H3 – Housing Delivery  
H4 – Housing Density  
H5 – Affordable Housing Contributions

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

### Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **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.

#### Planning History

Outline planning permission for the erection of 21 dwellings including 7 affordable units was granted under planning reference PR73301. Due to a combination of reasons including the economic climate, it is understood that development has been delayed on site and therefore a number of applications (P/2010/0798 & P/2015/0419) to renew the original outline planning permission have been considered and consented by Development Management.

#### Principle of Development

The application site is located within the settlement development boundary of Knighton, defined as a town within the adopted Local Development Plan. In accordance with LDP policy SP6, it is envisaged that at least 50% of the Plan's housing growth will be located within town centres on committed and allocated sites or other suitable sites within the development boundary.

The current submission seeks to extend the time period for the commencement of development for a further 5 years. Notwithstanding the previous renewals, given the location

of the application site within the settlement development boundary, it is considered that the principle of residential development at this location is fundamentally acceptable.

### Affordable Housing Contribution

In accordance with LDP policy H5, proposals for new housing development of five or more dwelling units or on sites of 0.25ha and above will be required to make contributions towards the provision of affordable housing.

The target contributions required to be made by development proposals will be based on the required contribution for the relevant sub-market area as set out below:

- i. Central Powys – 30% contribution.
- ii. Severn Valley – 20% contribution.
- iii. North Powys - 10% contribution.
- iv. South West Powys – 0% contribution.

Contributions shall be made in the form of on-site affordable housing provision.

In accordance with the former Unitary Development Plan, the current Section 106 secures the provision of 7 affordable units (30%). As part of the current submission, the applicant is now seeking to re-negotiate the affordable housing provision to 10%. For the purpose of the LDP, Members are advised that Knighton is located within the North Powys sub-market where the affordable housing contribution requirement is 10% and therefore, Officers are satisfied that the proposed reduction is in accordance with planning policy.

It is noted that a statement accompanying the application indicates that owing to site constraints, the provision of on-site affordable housing would compromise the viability of the development. Nevertheless, no evidence relating to viability has been submitted as part of this application. In light of the above, in accordance with policy H5 of the LDP, Officers would recommend that the affordable housing provision (10%) is secured on-site.

### Amenity Provision

In accordance with policy DM3, provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

Officers note that the application site is located within immediate proximity of Offa's Dyke Centre Park and Offa's Dyke Centre Playground (NEAP). Unfortunately, at the time of writing this report, a response from Countryside Services has not been received. Officers will therefore look to secure a response and provide a suitable update to Members either within the update report or verbal presentation.

### Education Contribution

LDP policy DM1 confirms that planning obligations will be sought by agreement with applicants, where necessary, to ensure that:

1. The development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance and / or restoration arrangements are achieved;
2. Significant adverse socio-economic and environmental impacts are addressed and mitigated;
3. Benefits are secured in the public interest to meet the additional demands of development proposals on local communities.

On reviewing the Section 106 agreement, it is noted that a contribution of £6,850 for the purpose of improving education facilities for the Community of Knighton was secured. Following consultation, School Services has confirmed that Knighton Primary School currently has the capacity to accommodate pupils from the proposed development and therefore, Officers do not consider it reasonable or necessary to require a financial contribution towards education facilities.

### Housing Delivery

Concerns have been raised by the Local Member in relation to the site, particularly that the site has remained undeveloped for over a decade. Whilst Officers acknowledge that the LDP suggests that conditions may be imposed to encourage starts and completions on site in order to ensure deliverability within the plan period, it is not considered that there is sufficient evidence to justify this approach in this instance.

### **RECOMMENDATION**

In light of the above considerations and notwithstanding the concerns expressed, Officers consider that the proposed development is in accordance with planning policy. Should Members be minded to grant consent it is requested that the decision is delegated to the Professional Lead for Development Management to allow further discussions regarding the provision of public amenity space.

#### Conditions:

1. Details of the access, 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. None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details submitted to and approved in writing by the Local Planning Authority.
5. No tree shall be wilfully damaged or destroyed or uprooted , felled ,lopped or topped without the previous written consent of the Local Planning authority within 60 months after

the completion of the development . Any trees removed without such consent or dying or being seriously diseased before the end of the period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

6. During the development hereby permitted the developer shall afford access at all reasonable times to an archaeologist in accordance with a archaeological investigation and recording scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences,gates,walls/,garage,building,extension,dormer window shall be erected] or constructed, other than those expressly authorised by this permission].

8. Prior to commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

9. Development shall not begin until a report on potential contamination of the site has been prepared by an appropriate person and submitted to and approved by the Local Planning Authority. This report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.

10. The applicant shall submit and have approved in writing by the Local Planning Authority, full details of the relocation of the bus stop and alteration to the on-street parking opposite the site, prior to the commencement of any works on site.

11. The works referred to above shall be fully completed to the written satisfaction of the Local Planning Authority prior to the occupation of any of the dwelling units.

12. Any entrance gates shall be set back from the edge of the highway/footway and shall be constructed so as to be incapable of opening towards the highway.

13. The gradient of the access shall not exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access.

14. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

15. Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 15 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 15 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 4.5 metres distant from the edge of the adjoining carriageway and 70 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained from obstruction thereafter.



16. Within 5 days from the commencement of the development clear visibility shall be maintained above a height of 0.26 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained from obstruction thereafter.

17. Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410 mm depth, comprising a minimum of 250 mm of sub-base material, 100 mm of bituminous macadam base course material and 60 mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

18. Prior to the occupation of the units, provisions shall be made within the cartilage of the site for the parking of not less than 2 cars per dwelling and 1.5 spaces per flat excluding any garage space provided.

19. The gradient from the back of the footway/verge to the vehicle parking areas shall not exceed 1 in 15.

20. Within 5 days from the commencement of the development provision shall be made within the cartilage 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 0.30 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in forward gear.

21. The width of the access carriageway shall not be less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway.

22. A radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site.

23. Any internal side road junctions shall have a corner radii of 6 metres.

24. The centre line radii of all curves on the proposed estate road shall be not less than 30 metres.

25. All access shall be gained via the existing private driveway. No vehicular or pedestrian access shall be used or created to service the site directly from the county highway.

26. 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.

27. The estate road carriageway and all footways shall be fully completed, to a standard 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.

28. Prior to the occupation of the units the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway.

29. No storm water drainage from the site shall be allowed to discharge onto the county Highway.

30. No development approved by the planning permission shall be commenced until

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced;

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable; 1) a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and

2) refinement of the Conceptual Model and 3) the development of a Method Statement detailing the remediation requirements;

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority (LPA) and a risk assessment has been undertaken;

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

31. The development of the site should be carried out in accordance with the approved Method Statement.

32. The development of the site should be carried out in accordance with the approved Method Statement.

33. Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the Local Planning Authority.

34. Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

35. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the LPA. The piling shall thereafter be undertaken only in accordance with the approved details.

36. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

37. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible within the site being drained. Roof water shall not pass through the interceptor. Most contaminated soils are regarded as controlled waste. If controlled waste is to be deposited on the site then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environmental Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the licensable status of any proposed on site operations are clear. If in doubt, the Agency should be contacted for advice at an early stage to avoid any delays.

**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. In order to ensure that satisfactory drainage arrangements are provided in accordance with DM6 of the Powys Local Development Plan (2018).
5. To ensure that the site is properly landscaped and in the interest of the visual amenity of the locality.
6. To ensure that items of archaeological interest are recorded, in accordance with policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2017) and Planning Policy Wales (2016).
7. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan (2018).
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policies DM6 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
9. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).
10. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
11. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).



37. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).

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