

We recommend rejection of the revision of the S.106 Agreement on these grounds.

Since the applicant deems the current arrangement as not economically viable, I would therefore suggest that the extension of time for commencement of the development is also declined, in order that the land may be offered back onto the open market, and another party may be found to develop the site in accordance with the needs and wishes of Knighton.

I note in passing that the Fifth Schedule of the S.106 Agreement is, in my view, a model clause for ensuring that the affordable housing allocation is directed towards local requirements, and would recommend that similar wording be adopted as a condition of approval of all future new social housing approvals in the Knighton district.

I have belatedly noted that you require four working days notice to be able to speak in person at the meeting. I plan to attend the meeting anyway, but would request that this communication is put before the committee as a written representation.

I look forward to your reply.

Officer Appraisal

Public Open Space

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). Given the proximity of the site to existing park and playground and accessibility of future occupiers of the site, it is not considered that the provision of on-site open space is justified in this instance.

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 an 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, garages, buildings, extensions or dormer windows 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.

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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 Localm 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 an 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.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% affordable dwellings;*
- 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.*

39. The affordable dwellings 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.

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).
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29. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
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38. In order to ensure the provision of affordable housing in accordance with Policies H1, H6 and HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
39. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).