

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/1064/DIS

Grid Ref: E: 305987
N: 261472

Community Council: Llandrindod Wells
Community

Valid Date: 05.12.2018

Applicant: Powys County Council

Location: Eric Evans Car Sales, Station Crescent, Llandrindod Wells, LD1 5BE,

Proposal: Discharge of conditions 3,7, 8, 9, 10, and 11 from planning approval 18/0577/FUL

Application Type: Discharge of Condition

The reason for Committee determination

The applicant is Powys County Council and therefore is required to be determined by Members of the Planning, Taxi Licensing and Right of Way Committee.

Consultee Responses

Consultee

Received

PCC-Contaminated Land Officer

10th Jan 2019

I can recommend the discharge of conditions 8,9 and 11 only. Condition 10 includes provision for encountering unexpected contamination and should remain until project end.

PCC-Environmental Health

8th Jan 2019

Environmental Protection have no objections

PCC-(M) Highways

17th Jan 2019

I can confirm that we are now agreeable to condition 3 being discharged.

All of these conditions relate to contaminated land requirements – as such I would have no comments to make regarding the submitted information unless the contaminated land officer has requested specific advice

Planning History

App Ref	Description	Decision	Date
18/0577/FUL	Demolition of existing car sales building, construction of new bus interchange with shelters and cycle racks at south of site and change of use on the northern portion for private car parking	Approve	5th Nov 2018

Principal Planning Constraints

None

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.

Site Location and Description

The application site is located within the settlement of Llandrindod Wells as defined by the Powys Local Development Plan (2018). The application site comprises a car park and car sales business (now closed) and associated structure. The site is bound by the adjoining highway (Station Crescent) to the west, the train station and associated infrastructure to the south, the railway line to the west and commercial buildings to the north.

This application is for the discharge of conditions 3, 7, 8, 9 10 and 11 from planning permission 18/0577/FUL for the demolition of existing car sales building, construction of new bus interchange with shelters and cycle racks at south of site and change of use on the northern portion for private car parking.

Principle of Development

Highway Condition

Condition 3 states;

3 Prior to the commencement of development a scheme for the prohibition of parking along Station Road shall be submitted and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved scheme

A scheme for the prohibition of parking along Station Road was submitted under plan reference D_06. The Highway Authority have been consulted and have confirmed that the information provided is sufficient to discharge condition 3.

Environmental Health Condition

Condition 7 states;

7 No development shall commence, including any works of demolition, until a Demolition Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the demolition period. The statement shall provide for:

A) measures to control the emission of dust and dirt during demolition and construction; and

B) a scheme for recycling/disposing of waste resulting from demolition and construction works. No burning of waste to be undertaken on site.

Since the submission of the discharge application it is noted that the building known as Eric Evans Car Sales has been demolished. A Demolition Method Statement was been

submitted in support of Condition 7 and the Environmental Health officer has reviewed the information submitted and stated that they have no objection to the scheme as proposed which includes demolition and clearance works. Whilst the works have therefore now been completed it is considered that the scheme as submitted was considered to be acceptable.

It is therefore considered that sufficient information has been submitted to enable the discharge of conditions 7 of planning consent 18/0577/FUL.

Contaminated Land Conditions

Condition 8 states;

8 No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 9 states;

9 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 10 states;

10 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 11 states;

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The Contaminated Land Officer has been consulted regarding the discharge of conditions 8, 9, 10 and 11 of planning permission 18/0577/FUL and has reviewed the information submitted by the applicant to discharge the condition which consists of:

* Previous market site, Llandrindod Wells. Geo-Environmental Assessment Report.

The Contaminated Land Officer reviewed the information submitted and considers that sufficient detail has been provided to discharge conditions 8, 9 and 11. However, condition 10 includes provision for encountering unexpected contamination and should remain until project end of the development.

In light of the above it is considered that there has been sufficient information provided and it is therefore considered to be acceptable to satisfy conditions 8, 9, and 11 of planning application 18/0577/FUL.

RECOMMENDATION

In light of the above, it is therefore considered that sufficient information has been submitted to enable the discharge of conditions 3, 7, 8, 9 and 11 from planning permission 18/0577/FUL. Whilst Condition 10 must remain for the life of the project as confirmed above.

Case Officer: Sara Robinson, Planning Officer
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