

Planning, Taxi Licensing and Rights of Way Committee Update Report

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| Application No: | P/2017/0181 | Grid Ref: | 317908.03 317349.7 |
| Community Council: | Meifod | Valid Date: | Officer: 14/02/2017 Kate Bowen |
| Applicant: | Lady Linlithgow, Bryngwyn Hall, Bwlch-y-Cibau, Llanfyllin, SY22 5LF | | |
| Location: | Llwyn Derw, Bwlch-Y-Cibau, Llanfyllin, Powys, SY22 5LN | | |
| Proposal: | Full: Erection of detached dwelling and installation of sewage treatment plant | | |
| Application Type: | Application for Full Planning Permission | | |

UPDATE

Reason for Committee Report Update

Public representations have been received since the preparation of the original report and the relevant sections of the original report have been updated below.

Public Representations

Following the display of a site notice and publicity in the local press, two public representations have been received and are summarised as follows:

- Concerns over additional traffic that the proposal would generate and the heavy plant travelling over the driveway for several months (additional traffic movements and noise);
- Intended to live in a rural environment providing peace and quiet;
- The owner of the shared driveway is not the applicant which adds another difficulty;
- Led to believe that no more houses would be constructed on the land adjacent to dwelling known as Ty Cerrig; and
- Another dwelling would devalue the existing dwellings.

Officer Appraisal

Impact upon amenities enjoyed by occupants of neighbouring residential properties

Public representations have raised concern over the impact from noise and additional traffic upon the existing dwellings known as Ty Cerrig and Maes y Nant, on the adjacent recently developed housing development. It is noted that the site would occupy an edge of village location where, beyond the application site, there is agricultural land. The village is located in a rural location, however the proposed development for one dwelling is not out of character with the adjoining land uses which are also residential. As noted above, consent was granted for four dwellings under reference P/2012/0047 on adjacent land. The side elevation of Plot 3

(nearest the proposed dwelling) is located approximately 3 metres from the side elevation (garage) of the proposed dwelling. The front (south east) elevation of Plot 2 is located approximately 22 metres to the north west of the front (north west) elevation of the proposed dwelling. In addition, the dwelling known as Llwyn Derw is located to the north of the front (north west) elevation of the proposed dwelling at a distance of approximately 28 metres.

Given that the distance between the front elevations of Llwyn Derw, Plot 2 and the proposed dwelling is more than the 20 metres advised for rear elevations within the Powys Residential Design Guide and that the side elevation of Plot 3 would be affected rather than front or rear elevations, it is considered that the proposal is acceptable in terms of the impact upon privacy. In terms of overshadowing, whilst the proposed dwelling would be less than 40 metres from the front elevation of Plot 2 and Llwyn Derw, given that the proposed dwelling is single storey and that the land level descends towards the application site, the proposal is acceptable in terms of overshadowing.

In terms of noise from heavy plant and machinery during the construction of the dwelling, whilst this would be an inevitable consequence of the construction of the dwelling, given that this would be a temporary occurrence, it is not considered that such noise and disruption would unacceptably adversely impact the amenities enjoyed by the occupants of the neighbouring dwellings. However, in order to control the working hours and deliveries of the construction, it is recommended that a condition is imposed on any consent granted to limit the construction working hours.

In terms of additional traffic movements from the eventual occupation of the dwelling, there would be additional traffic movements travelling over the private drive from the unclassified highway and therefore, past the four recently constructed dwellings. Whilst there would be some additional disturbance from this traffic, the traffic movements associated with one dwelling is not considered to lead to an unacceptable adverse impact upon the amenities of neighbouring residents.

Therefore, it is considered that the proposed development would not have an unacceptable adverse impact upon occupiers of neighbouring residential properties in accordance with UDP Policy GP1.

Highway access and parking

Vehicular access to the site would be gained via the existing estate (private) road off the U2176 unclassified highway and the submission indicates that parking and turning provision would be provided at the site. Public representations have referred to the estate road not being within the ownership of the applicant. The ownership of the estate road is not known, however access rights over the estate road are considered to be a private, legal matter to be negotiated between the relevant parties.

In terms of being able to provide adequate provision for highway access and parking, the Highway Authority has not objected to the use of the estate road off the unclassified highway but has recommended that a condition should be applied to any consent granted to require the provision and retention of 3 car parking spaces. On the basis of the advice from the Highway Authority and subject to the use of the recommended condition, it is considered that adequate provision for highway access and parking would be provided for an additional single dwelling in accordance with UDP Policy GP4.

Other matters

Public representations have raised concern over the effect on property values. The effect of a development on property values is not a material planning consideration.

RECOMMENDATION

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on xxxx (drawing no's: Location Plan, 3, 4).
3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented prior to first use of the dwelling hereby permitted.
4. Within one month of the implementation of this permission a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
6. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
7. 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; and
 - 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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure the provision of a satisfactory means of surface water disposal in accordance with Policies GP1 and DC13 of the Powys Unitary Development Plan (2010).
4. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and visual amenity in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
5. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and visual amenity in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In order to protect the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1 of the Powys Unitary Development Plan (2010).

Informative Notes

Please note the comments from Wales & West Utilities:

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Case Officer: Kate Bowen- Planning Officer
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