

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0455	Grid Ref:	302308.22 267083.4
Community Council:	Nantmel	Valid Date:	Officer: 24/05/2017 Thomas Goodman
Applicant:	Mr Steve Rowlands, Llanyre, Dan-y-Graig, Llandrindod Wells, Powys, LD1 6EF		
Location:	Cae A Llwyn, Llwyn Lane, Nantmel, Rhayader, LD6 5PE		
Proposal:	Full: Change of use to 'Mixed Use' of agricultural building and yard for parking of commercial vehicles together with alterations to roof design of building previously approved under permission P/2016/0149 (part retrospective)		
Application Type:	Application for Full Planning Permission		

Reason for Update

Please note that this report forms an update to the previous report circulated to Members.

Consultee Response

Environmental Health

Having assessed the application, I note that the times the site would be used, as stated on the application, is between 07:30 to 16:00 Monday to Friday and at no time on Saturday and Sunday.

In order to protect the local residents amenity from the traffic noise generated by the vehicles, I would suggest that the following be attached as a condition should permission be given

The use shall not be carried out outside the hours of 07:30 to 1600 Monday to Friday, and at no time on Saturday, Sunday & Bank Holidays. "Access only" is permitted from 1600 to 1700 to allow staff to leave the site.

Deliveries shall not be taken at or dispatched from the site outside these hours.

Reason

To ensure that the amenities of neighbouring properties are not detrimentally impacted upon in terms of noise.

Representations

In order to provide clarity to the application there have been in total 8 representations received from 3 members of the public which relate to the concerns as stated within the original report.

Since the publication of the report an additional representation has been submitted as is summarised as follows;

- Concerns raised over the increase in traffic on the highway, the types of vehicles now using the highways (vans, trucks, trailers, heavy goods vehicles), and the timings which vehicles are moving along the highway
- Noise disturbance from vehicular movements with no restriction on hours or days of operation (use in the evening and weekends)
- The highway is used by walkers, bikers, horse riders, holiday makers etc and the increase in traffic would have impacts on their safety.
- The incorrect roof design was constructed and should have been submitted to planning again
- Concerns regarding contamination from the washing bays and the potential for contamination in the nearby river
- Concerns over potential damage to existing sewerage pipes which run under the highway
- Application sets a precedent for anything with agricultural status to be lifted
- If approved the application would have consequences and serious implications for residents, properties, the environment and overall public safety.

Further information

The agent has clarified that the proposed change of use should read as 'mixed use' so that the agricultural nature of the building may continue alongside the proposed development. The agent has also confirmed via e-mail that they have noted the conditions as recommended by the Highway Officer in relation to the construction of the access and the visibility splays and has stated the following:

These works will be completed within 4-6 weeks of the approval of the present application.

Officer Appraisal

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.

Environmental Health

Following further consultation with the Environmental Health Officer confirmation has been received in order to provide clarification as to the wording of the condition restricting the operating hours of the business. Confirmation has been received, that by restricting the hours of operation, the amenities enjoyed by the neighbouring properties will not be detrimentally impacted upon in terms of noise from traffic generation.

RECOMMENDATION

This updated report should be read in conjunction with the previous report. Officers consider that the additional information supports the original recommendation and therefore it is considered that the recommendation of conditional consent remains.

Conditions

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from 19/07/2017.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 2017/15/06, 2017/15/04, 2017/15/01, 2017/15/05, 2017/15/02 & 2017/15/03).
3. Within 2 months of the date of the development hereby approved, 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. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition. The drawing shall include details of all hardstanding within the application site.
4. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 3) shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of the development hereby approved. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.
5. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 4) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.
6. Within 2 months of the date of the development hereby approved the access shall be constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 57 metres distant in each direction measured from the centre of the access along 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 free from obstruction for as long as the development hereby permitted remains in existence.
7. Upon formation of the visibility splays as detailed in Condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
8. Within 2 months of the date of the development hereby approved a scheme for the provision of a passing bay along the C1215 county highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location of the passing bay and a timescale for completing the works. Development shall be carried out in strict accordance with the approved scheme.

9. The use shall not be carried out outside the hours of 07:30 to 1600 Monday to Friday, and at no time on Saturday, Sunday & Bank Holidays. ""Access only"" is permitted from 0700 to 0730 and 1600 to 1700 to allow staff to enter and leave the site. Deliveries shall not be taken at or dispatched from the site outside these hours.

Reasons

1. To comply with Section 63 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 that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2, ENV7 and EC1 of the Unitary Development Plan (March 2010).
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5. In order to safeguard biodiversity and protect water resources in accordance with policies ENV3, ENV5, ENV6 and ENV7 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 5 - Nature Conservation and Planning (2009) and Planning Policy Wales (2012).
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of the amenities of existing residential property in the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

Informative Notes

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