

Public Document Pack



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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 28th February, 2019

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

SUPPLEMENTARY PACK

1.1. **Updates**

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

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The Report also states that no interest was shown in buying the property for Community Use – this was because local residents were aware of the offer made by a local businessman and could not see any reason why this offer would not be accepted. The Developers are only looking to maximize their gain whereas we are seeking to retain an important Community facility.

Local Member:

I am sorry that I am unable to attend the meeting on the 28th February as I have a funeral in the Village I have to attend as do most members of the Community Council thus the request for the comments of the Community Council to be read out at that meeting.

I totally agree with the comments and also add that the property was advertised for sale for some 18 months but without the carpark. So who's going to buy a public house without a carpark.

As the Community Council report we are aware that a local businessman is very keen to purchase this property with a view to bringing it back to its former glory now that the village has a bypass and safety etc has improved.

I hope that the members of the planning committee take these comments into consideration.

Officer's response:

Location of public house and viability

The Planning Inspector recognised that the pub is located within a picturesque village and in a tourist area and Officers note the location close to a busy highway and in proximity to a national walking trail and the Montgomery Canal. Officer's assume that the District Valuer compared the location to other more well-known tourist destinations throughout the UK.

Interest from local businessman

The applicants state that the only realistic opportunity for purchase that has arisen during the marketing is via a named local businessman. However, it was not possible to reach a deal because he was insistent that he would not buy the public house and car park unless he could also buy the adjacent field. The applicants (owners) decided not to sell the field. No representations have been received directly from the local businessman in question during the processing of the application.

Land marketed

According to the submission, the reduced land offered for sale with the premises was

restricted to the premises itself and rear car parking, which it is understood amounted to 16 parking spaces. In written correspondence with the Community Council, the applicants stated that any parties who showed a genuine interest in running the public house were advised that the car parking size could have been doubled. The applicants state that during viewings and the open day, discussions with interested parties made it clear that extra parking land was available to purchase following negotiation.

RECOMMENDATION

Officer's have taken account of the additional information submitted by the Local Member and Community Council, however the recommendation is still one of approval as set out in the original Committee Report.

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The second question:

“The applicants proposing to limit this to decibel level of 75db. This is not insignificant and we would expect the Council to control the noise levels inside and outside of the building.”..... “We would like some assurances that if planning permission is granted then there are appropriate safeguards in places and conditions will be used to control noise from the site?”

We would not impose an internal noise limit condition on the site. It would be an unenforceable condition should the authority be refused access onto the site. Internal noise exposure would be a Health and Safety concern and considered under the relevant legislation.

Officers can be criticised for attaching unnecessary conditions, therefore on the basis of the noise assessment only the night time hours’ restriction condition was deemed appropriate and attached.

Should residents be affected, they can contact Environmental Health, who would investigate the matter through our Statutory Noise Nuisance procedure. If a noise nuisance is witnessed, we would serve the relevant person(s) with a Noise Abatement Notice requiring the abatement of the noise. We would direct those relevant people at that time to the noise assessment document as it suggests several methods of noise attenuation.

Manafon Community Council

18th Feb 2019

Manafon Community council strongly objects to this application

Planning History

The property is currently on sale by the current owners and is subject to an agricultural occupancy condition which cannot be removed.

This application would have an industrial impact on a very rural location and although the statement supporting the application has been keen to say it complies with the various aspirations of rural development planning objectives, Manafon community council wishes to say ;

1st The statement and application falls short on a number of building regulations regarding Practicality, Health and Safety and Industrial Environmental compliance.

As a Community Council we are fortunate to have Councillors who have between them in excess of fifty years knowledge and experience in industrial planning/manufacturing which includes Health & Safety and Environmental management. This allows us to

comment in a professional way on why this application should be refused as totally unsuitable for this type of industrial use.

The statement indicates with six photographs the type and scale of machinery applicant proposes to install in this very small corrugated clad farm outbuilding which has hardly enough foot print to house one of the machines indicated in statement let alone the six shown. It clearly states however that no expansion of the current floor space is required to satisfy this application.

Waste Management / Storage

The statement makes no reference to environmental obligations regarding storage of raw materials or oils/greases used by industrial machinery shown in statement or how it plans to control and dispose of waste.

From all aspects of suitability for industrial use of this very small building, this is a seriously flawed application, from its corrugated construction and relatively low headroom having serious issues with heat in summer and cold in winter.

BUSINESS HOURS

EHO have recommended operating hours of 7am – 10p.m. This is not acceptable as the location has little background noise and this would not be acceptable in such a rural location where the background noise is negligible.

THE BUSINESS

The website for MMM is very detailed and shows very large manufacturing equipment. The application shows only 6 pieces of equipment which in itself is mis-leading as one could interpret this as downsizing. We do not believe this to be the case and therefore the applicant if successful could put in another application for an extension in 12 months time or less. Please remember this is very quiet, sedate rural countryside and should not be turned into an industrial site. Reference is also made about distributing mixing equipment from the current production site at Irlam and very little is said about manufacturing. Manufacturing equals noise.

NOISE POLLUTION

The six machines cause a vast amount of noise pollution to neighbouring properties, totally at odds with the deeply rural location which would lead to a detrimental impact on tourism ,the local caravan park and residents. Together with increased traffic , lorries delivering components and removal of goods the impact of noise pollution would be significant.

Highways

The Council feel that there are insufficient passing places on the single track road and very little if any consideration has been taken for other road users. This road is a shared access with three other parties, lorries to the property would block the road for any other users to get past.

Applicants' Agent

25th Feb 2019

Due to the late response received from Manafon Community Council, we felt it necessary to provide a response to the comments and concerns raised by them.

Therefore, please could you write an update for committee on the basis of this response:

Planning History

As the planning officer explains within the report, a certificate of lawful use was granted last year which allows any person to occupy the property in question, and does not need to be working in agriculture. This is irrelevant to this change of use application.

This is a planning application and therefore the comments on building regulations is surprising. Of course, the building and use will have to fully comply with any building regulations and other Health and Safety regulations, which is a separate legislation.

The comments received in relation to the size of the machines proposed in the shed, and the size of the shed, I believe the community council have misunderstood the scale of the machines somewhere. We can confirm that a footprint of only 270 sq ft will be required for the six machines and the building is 1500 sq ft.

No extension will be required for the building, and if the applicant wanted an extension, he would need to apply for full planning permission, of which would be considered.

Waste Management

The comments stating that 'this is a seriously flawed application' is again confusing, as I believe the community council have again mistaken the information required for a planning application and other legislation. The type of business (metal), means there are only small pieces of scrap metal as waste, as the machines have all the lubricants within them and are recycled through their pipework within the machine. I believe the low head room is not a planning consideration, neither is the applicant being cold in the winter or hot in the summer a consideration? I'm sure the applicant have looked at these aspects, and is content his business can work in that space.

Business Hours

A full noise assessment has been carried out (which considered the existing background levels), illustrated that the worst-case scenario of noise created by the use would not raise any unacceptable noise impact, therefore Environmental Health has recommended working hours to be restricted between 7am and 10pm.

However, having received this concern from the community council, the applicant is happy for the condition to restrict working hours to be between 8am and 6pm if the planning committee see fit.

The Business

The six machines referred to are the machines that make parts to make the mixing machines. The current business has been running for 26 years in a similar size building to the outbuilding proposed. If the business wanted to grow, they would have done it now, and would not choose a site with limited opportunities to grow.

The community council response states 'Manufacturing equals noise', which we cannot argue with, which why we undertook a noise assessment to make sure the noise at nearest properties would be acceptable. However 'Agriculture equals noise' also, and we would consider that agriculture noise would be louder and 24/7 every day of the year, of which the building could be used for tomorrow if the current occupiers wanted.

Noise Pollution

Again, we don't want to reiterate, but a full noise assessment has been carried out by an independent consultant and verified by the environmental health officer which confirms the proposed noise at worst case scenario is acceptable.

Highways

As part of the highway conditions, 2 passing places will be provided as part of the proposal. However the vehicle movements associated with the use will be less than agricultural movements really. The applicant will have no right to block the road, as there is a right of way, and there is sufficient space to turn and park without blocking the road. The proposal includes significant improvements to the existing access, including widening and increasing the visibility to the left and right, and therefore the users of the shared access will benefit from this improvement.

Conclusion

This is a small family run business that wants to move into Powys, which is refreshing to hear and see. The small scale of the business and family run nature will make good use of an existing relatively redundant building. They would look to support local businesses in purchasing raw material and services to run the business.

This application should be seen as an improvement to the existing site, as the current site has the potential of 24/7 agricultural use and associated noises, together with a very substandard access for all properties. Therefore this proposal will improve and control all of those elements.

Recommendation

Notwithstanding the concerns expressed above, based upon the consultee responses received, Officers are satisfied that the proposal accords with planning policy and therefore, the recommendation is one of consent subject to the conditions listed within the original Committee Report.

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