



*"I went to visit Cilmeri last Saturday to meet villagers and see for myself the situation with regard to the proposed removal of the lay-by in connection with the above planning application.*

*Attached is a letter I had received earlier from the Clerk to the Cilmeri Community Council, which clearly sets out the many reasons why local people feel it would be quite wrong to destroy this important asset.*

*You will be aware, of course, of the strong feelings in the Cilmeri area that this lay-by serves important functions and should be preserved. A petition has been raised with approaching 500 signatures.*

*It is important to note that local people are not against the planning application and support the building of new houses on the land in question. But they do feel strongly this should not be done at the expense of the lay-by, in particular when there is a perfectly serviceable alternative access route a few yards down the road which would have better sight lines for exiting on to the main road.*

*In view of the strong opposition, I would be grateful for your assurance that the views expressed by the Community Council, on behalf of all those who have signed the petition, will be fully considered before an irrevocable decision is taken.*

*I understand, of course, that Highways has an input into this but I am not aware of any cogent arguments which have been put forward to justify the removal of this important local asset and certain questions appear to remain unanswered:*

- Where, for example, is it proposed to re-site the post box and the defibrillator?*
- Where will disabled passengers safely be able to board the community bus?*
- Where, in the 5.5 mile stretch between Builth and Garth, will slow moving vehicles be able to pull in on this side of the road and allow others to pass?*

*Local residents tell me that these questions, and others, have not been answered. In view of this, it seems very shortsighted indeed to remove this lay-by and I cannot see the justification for doing so.*

*In the interests of balance, I have received one email supporting the whole application, i.e. including the abolition of the lay-by although, interestingly, this same resident has signed the petition for the retention of the lay-by.*

*So it seems there is overwhelming support for maintaining the status quo and allowing the houses to be built but with a slightly different access.*

*I understand this is coming before the Planning Committee on Thursday and I hope they will feel able to ensure the continuance of this vital local asset whilst, at the same time, providing the additional houses which Cilmeri would welcome."*

Kirsty Williams AM:

*“I write having received representations from Cilmeri Community Council and having attended a meeting in the village today, with regard to the above outline planning application for 4 houses in the village alongside the A483 trunk road.*

*It seems that the Trunk Road Agency has agreed to the proposal to close up the existing lay-by adjacent to the site, which currently is home to an old ‘phone box containing the village defibrillator, and the local post box, in order to allow the creation of a new highways access off the A483 to the new housing site and another already-constructed dwelling. My understanding is that the proposal is to relocate these amenities, but that as-yet this is to unspecified locations. The community council does not wish to object to the principle of the application, but wishes very much to retain the lay by and would much prefer that the access to the new dwellings is via the existing one that serves the existing dwelling nearby.*

*The main concern in the village, apart from the loss of the above important amenities, is that if this lay-by is stopped up, there will not be another place on this side of the A483 for tractors and slow-moving vehicles to pull over to allow faster traffic to pass safely for another 7 miles. You will be aware that the recent fatal traffic accident which occurred near Cilmeri involved the victim trying to overtake a tractor and trailer and it is important to maintain lay-byes at regular intervals to provide pull-in places to reduce driver frustration, as well as for the general amenity of road users.*

*I also note that the application is going to committee because it is a departure from the local plan and although as I say the local community is not overly concerned about the development in itself, the loss of the layby being its only real concern, that fact is of course an important and material issue.”*

## **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.

### Highway Safety

Additional representations have been received in objection to the proposed development particularly in respect of the closure of the existing lay-by. It is considered that the proposed closure of the lay-by has already been considered within the original report and that these additional representations add no further information to consider this aspect further. Therefore for ease of reference the initial comments made within the original report in relation to highway safety are copied in below.

*“Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.*

*Access and Layout is reserved for future consideration, however, the Welsh Government Trunk Road Agency (TRA) have been consulted in relation to the development in order to*

*establish whether or not an appropriate access and visibility splays can be achieved. The TRA have confirmed that the proposed development can provide an appropriate access and visibility splays and have recommended conditions to be attached to any granting of consent that would ensure that appropriate access and visibility splays are constructed to an agreed standard.*

*Concerns have been raised regarding the loss of the lay-by and the relocation of the phone-box. However, as access is a reserved matter and the consultation response received from the Welsh Government TRA it has been confirmed that the proposed development will result in a betterment in terms of highway safety as it removes two non-compliant assets and installs one that is fully compliant. Furthermore, it is considered that should the phone-box not be re-located, appropriate visibility splays could still be achieved.*

*In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development will not have a detrimental impact upon highway safety. Therefore the proposed development complies with policy GP4 of the Powys Unitary Development Plan (2010)."*

## **RECOMMENDATION**

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same as set out in the original report.

## **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. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 17/006/01 & 17/006/02).
5. Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter
7. Prior to the commencement of development 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 as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
8. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point

0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

9. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.

10. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.

11. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

## **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. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

5. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3, ENV6 and ENV7 of the Powys Unitary Development Plan.

6. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.