

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 22/0564/FUL

Grid Ref: E: 287914
N: 246708

Community Council: Llanwrtyd Wells
Community

Valid Date: 14.04.2022

Applicant: Mr Didar Singh

Location: Spar Stores, 1 Irfon Terrace, Llanwrtyd Wells, LD5 4RB.

Proposal: Continuation of siting of a hot takeaway food trailer (following conditional approval 18/0778/FUL)

Application Type: Full Application

The reason for Committee determination

The Local Member called in the application due to concerns raised surrounding:

- a) it obstructs a right of way to adjoining properties
- b) is unsightly
- c) is unnecessary as there are abundant take away facilities elsewhere in the Town

Consultee Responses

Consultee

Received

PCC-Built Heritage Officer

27th May 2022

The proposal sees the retention of a fast food van in a central position within a small town centre, opposite a listed building.

In respect of 18/0778/FUL, the built heritage officer commented that the siting of the take away van 'would not have an adverse impact on the setting of the listed Neuadd Arms Hotel'. Due to the location at the 'service end' of the Spar shop, adjacent to bins and other related paraphernalia pertaining to the operation of a grocery shop.

Paragraph 6.1.10 of Planning Policy Wales which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

The continued siting of the take-away van would lead to it becoming a more permanent feature of the street-scene opposite the listed hotel. A fast food van is not a usual townscape feature. Looking at the end of the building prior to the installation of the van and much advertising signage, it appears to have been a fairly plain and neat space.

Taking this into account, it would appear likely that this would not have a positive impact on the setting of the listed building. However, shielded as it is by the wooden fence, the view of the van is not obvious.

Broadly, if a catering space is required on a more permanent basis then an extension or conversion of part of the existing shop should be considered. The repeated renewal of temporary approval means the feature becomes more permanent.

Welsh Water

12th May 2022

Since the proposal intends on utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water

Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC-(S) Highways

25th Apr 2022

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

Environmental Protection

28th Apr 2022

Environmental Protection has no objections.

WG - Highways Directorate

18th May 2022

I refer to your consultation of 21/04/2022 regarding the above planning application and advise

that the Welsh Government as highway authority for the A483 trunk road does not issue a

direction in respect of this application.

Natural Resources Wales (Mid Wales)
DPAS

27th Apr 2022

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

1 No. objection was raised from public comments. This can be summarised as:

- Out of character of area
- Sufficient take-away facilities in local area
- Previous Temporary approval on site (18/0778/FUL) was given on the principle that permanent catering facilities would be built on site.

Planning History

App Ref	Description	Decision	Date
18/0778/FUL	Continuation of siting of a hot takeaway food preparation trailer	Conditional Approval	28/12/2018

Principal Planning Constraints

Within 50m of Listed Building

Neuadd Arms Hotel

Within 50m of Listed Building	Llanwrtyd War Memorial Institute
LDP Development Boundaries	Llanwrtyd Wells/ Llanwrtyd
Phosphorous Welsh River SACs	
Trunk Road	A483(T)

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (ED.11)		National Policy
FW	Future Wales: the National Plan 2040		National Policy
TAN5	Nature, Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
	Section 66 of the Planning Act 1990		National Policy
	Part 1 Section 6 of the Environment (Wales) Act 2016		National Policy
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026

R1	New Retail Development	Local Development Plan 2011-2026
R4	Neighbourhood and Village Shops and Services	Local Development Plan 2011-2026
SPGRD	Residential Design Guide (2020)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Llanwrtyd Wells. It is also within the settlement development boundary of Llanwrtyd Wells as defined by the Powys Local Development Plan (2018). The site comprises an existing hot food take-away trailer. To the north lies the A483 Trunk Road, to the east and south are neighbouring residential properties and to the west is the Spar/Premier Supermarket. There are 2 No. grade II listed buildings within 50m of the site of development. These are the Neuadd Arms Hotel and Llanwrtyd War Memorial Institute.

The application seeks consent for the continuation of the siting of a hot take-away food preparation trailer which measures approximately 6.8 metres in length (including stopping blocks and trailer puller), 2.1 meters in width and 3 metres in height at the highest point. This application would be for retrospective permission since the trailer is already present

on site.

Principle of Development

Local Development Plan (LDP) policies R1 and R4 set the principle for development such as this.

Policy R1 states that within defined retail centre proposals for new retail development which would be of a scale and design appropriate to the settlement and in accordance with the retail hierarchy will be supported. Llanwrtyd Wells in which the proposal is situated is defined under this policy as a local retail centre.

Under policy R4, the establishment of new neighbourhood and village shops or services will be approved where they:

1. Are located within a Town, Large Village or Small Village; and
2. Serve the needs of the local area; and
3. Do not undermine the retail hierarchy or have an unacceptable adverse impact on the vitality and viability of the Retail Centre or other nearby centres and accord with Policy R1

It is considered that the proposal meets the criteria of policy R4 as it is located within the town of Llanwrtyd Wells, serves the needs of the local area through the provision of takeaway services and does not undermine the retail hierarchy or have an unacceptable adverse impact on the vitality or viability of the retail centre or other nearby centres.

Concerns have been raised over the need for the development within the local area. It is noted that the proposal does not result in the loss of a permanent shop within the Town but instead will see the temporary provision of a unit. As the proposal does not therefore impact upon the existing supply of retail units within the town, it is not considered that this additional temporary unit would further impact upon the vitality or viability of the

surrounding area.

In light of this, the principle of development is considered to fundamentally comply with the relevant planning policy. The proposal is for a temporary permission and it is recommended that suitably worded condition is applied to any consent granted.

Scale and Design

Siting, appearance, integration, scale, height, massing and design detailing are all key matters in determining such applications and must be given careful consideration in accordance with Policy DM13 of the LDP.

It is acknowledged that the take-away trailer is partially visible when travelling along the A483 trunk road which runs to the north of the application site. The siting of the trailer alongside the existing Spar Shop building and the provision of a close boarded timber fence on higher land to the north-easterly boundary does however significantly reduce its visual appearance within the surrounding townscape.

In addition, since the trailer has a neutral colour (grey) and is of a moderate scale, the trailer is not considered to have a significant detrimental impact on the surrounding area with regards to colour or scale.

The trailer does have a brightly coloured sign, advertising the sale of fish and chips. It is considered to reduce the visual impact of the development, the colour scheme of the signage used should be neutral colours. This can be secured by a carefully worded condition which has been agreed in principle with the agent of this application.

In light of the above, it is considered that the proposed development does fundamentally comply with relevant planning policy.

Neighbouring and Public Amenity

Consideration has also been given to the impact the proposed development will have upon neighbouring properties. Policy DM13 of the LDP states that development should not adversely affect the amenities to nearby neighbouring dwellings.

It is considered that given the scale of the trailer, it will not significantly cause detrimental impact to public amenity in terms of noise, odour and operating hours. It is also noted that the Premier Stores are open until 10pm and thus unlikely to cause a public disturbance any more than existing take away facilities in the local area. As part of the application process, the Powys County Council Environmental Protection Officer also raised no objections to the development.

Overall, it is considered that given the trailer has been in operation previously prior to this particular application, it is considered that the continued operation of the trailer will not have significant harm on neighbouring amenity or that of the local area.

Further whilst public comments received make the point that there are sufficient take away facilities already in the area, it is considered the trailer would not cause unacceptable adverse impact on the vitality and viability of these existing services and would provide more diverse food service options in the local area and an opportunity for local economic growth. As such, it is considered that the trailer would also accord with PPW.

Concerns relating to the trailer restricting access to adjoining properties are considered to be a civil matter rather than a planning matter.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy.

Built Heritage

Section 66 of the Planning Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Policy SP7 of the LDP similarly requires that 'to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation'. In this case that asset is the grade II listed Building called the Neuadd Arms Hotel. While the Llanwrtyd War Memorial Institute is within 50m of the site, it is separated by the Premier Stores and therefore not considered to be impacted.

With regards to this proposal, the Built Heritage Officer notes that overall while the trailer would not be a usual feature of the townscape or within the setting of the listed building, shielded as it is by the wooden fence, the view of the van is not obvious.

Whilst some level of concern has been raised it is not considered that the retention of the trailer in this position would further harm the setting of nearby listed buildings and subject to a condition as recommended above to amend the signing on the unit which would further aid in reducing the visual impact of the development it is considered that the proposed development can be managed to an acceptable level.

In light of the above, it is considered that the proposed development does fundamentally comply with relevant planning policy.

Highways

Under LDP DM13, a safe access, parking and visibility splays are a fundamental requirement of any development.

The application does not seek alterations to the existing means of access to the site and does not propose any additional parking or creation of new parking. The Local Highway Authority and Welsh Government Transport were consulted and have no objections on the proposal.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy.

River Wye SAC

The Wye is the largest Welsh SAC river, with a catchment covering much of southern Powys and part of the Brecon Beacons National Park before crossing the border into England near Hay on Wye.

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a Protected site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (updated 26th May 2021). It is considered that since this development is not related to the storage, management and spreading of organic materials or increased foul waste discharge, it is unlikely to increase phosphate discharge overall. The development therefore falls within the following criterion in the interim advice:

- any development that does not increase the volume of foul wastewater

On this basis and given the scale and nature of the proposal it is considered acceptable in relation to the wellbeing of the River Wye SAC catchment.

Natural Environment

Policy DM2 of the LDP states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within TAN5 (Nature Conservation and Planning).

Consideration has been given as to whether the proposed development would have a potential detrimental impact upon a natural environment asset. It is noted that the proposed development is temporary and does not increase the build or hard standing area of the site. It is therefore considered that the development would be unlikely to have a detrimental impact on a natural environment asset.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Local Authorities are required to maintain and enhance biodiversity through all its functions – this includes the planning process. As part of the application, biodiversity enhancements have not been directly proposed. It is considered that this may be overcome with a carefully worded condition to ensure the provision of 1No. bird/bat box on the site of development.

In light of the above it is considered that the proposed development would not result in any negative impacts to biodiversity at the site or in the wider environment and therefore complies with Policy DM2 of the LDP.

RECOMMENDATION-Conditional Consent

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

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 the date of consent.
2. The development shall be carried out in accordance with the following approved plans and documents: 2210.PS.02; 2210.PS.BLOCK; 2210.PS.OS; 2210.PS.01; document known as 'PLANNING & DESIGN STATEMENT' prepared by Darren Mills Architect.
3. The catering unit shall be used for no more than 36 calendar months from the date of this permission with the catering unit removed and the site restored to its previous condition by: XXXX
4. Within 3 weeks from the date of this permission a scheme to amend the signing on the trailer shall be submitted to, and shall be approved in writing, by the Local Planning Authority. The scheme shall include a schedule of works and timings for the works as approved to then be completed and shall remain as such for the length of the permission hereby granted.
5. Within 6 weeks of the date of this permission, 1No. Bird/bat box will be erected on the site of development. This measure identified shall be adhered to and implemented in full and remain so in perpetuity.

Reasons

1. To comply with Section 63 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.

3. In the interests of the character and appearance of the area in accordance with policy DM13 of the LDP.
4. To reduce the visual impact of the development and to protect the visual amenity of the streetscape under DM13 of the LDP
5. To comply with Powys County Council's LDP Policies DM2 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Advisory Note

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.