

Planning, Taxi Licensing and Rights of Way Committee 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 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		

The reason for Committee determination

Cllr David Evans has called the application in to be determined at Committee for the following reasons:

- The change of use from Agricultural to an Industrial Site
- The increase in volume of commercial vehicles on an already busy and narrow lane
- Potential for environmental contamination from fuel, oil and wash down
- The land was originally designated as a run out area for the free range poultry in a previous application.

Site Location and Description

The application site is located to the west of Nantmel. The C1215 runs to the east of the application site, to the south of the site is the private access to the development site and beyond that a poultry unit, to the north and west is agricultural land.

Consent is sought in full for the change of use of an agricultural building and yard for contractor's storage place (B8 use) together with alterations to the roof design of the existing building. The building measures approximately 36.8 metres in length and 24.2 metres in width. The building measures approximately 5.7 metres in height. The building is constructed using dark slate box profile sheeting to the walls and roof.

Consultee Response

Nantmel CC

The above application was placed before Nantmel Community Council at its meeting held on 15th June 2017.

My Council objects to this application for the following reasons:

- The change of use from Agricultural to an Industrial Site
- The increase in volume of commercial vehicles on an already busy and narrow lane
- Potential for environmental contamination from fuel, oil and wash down
- The land was originally designated as a run out area for the free range poultry in a previous application.

The Community Council has requested that Cty Cllr David Evans calls in this application to be heard before the Full Planning Committee.

Highways Dept south

The site is served by a relatively short section of the C1215 county highway known as Llwyn Lane, which in turn connects to the A44 county highway some half mile distant to the south. This section of Llwyn Lane has been subject to a number of highway improvements over recent years, including the provision of passing bays secured following the grant of a number of planning approvals, including that of a neighbouring poultry building. The road itself is therefore considered generally suitable to serve a development of this nature although the provision of an additional passing bay would help to further mitigate any increase in traffic this development is likely to generate.

In addition to the above, it was noted during a recent site visit that the access visibility requirements secured as part of the previously approved planning consent P/2013/0173, have not been fully implemented on site. It is therefore recommended that these same conditions be reapplied in this instance.

Accordingly the Highway Authority recommends that the following conditions be attached to any consent granted.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility 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 0.26 metres above ground level at the edge of the adjoining carriageway and 120 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.

HC30 Upon formation of the visibility splays as detailed in HC4 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.

HC37 Prior to any works being commenced on the development site the applicant shall construct a passing bay along the C1215 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site

Building Control

Building regulations may be required, if you require any further information please do not hesitate to contact me.

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.

Welsh Water

We have no comment to make regarding application reference P/2017/0455 as our assets will not be affected by the development.

Environmental Health

I was concerned to how many vehicles would use the lane, between 3 and 4 will not pose an issue especially between the hours stated.
I have no further comments to make.

Consultation response received 28/06/2017:

I am still trying to sort a suitable condition, who is the highways officer dealing?

Regarding an interceptor, dependant on its use, it's a method for collecting oil, silt etc from water such as a vehicle wash before discharge to drainage so to prevent pollution . It's usually a tank of some sort.

Consultation response received 01/09/2017:

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

In order to protect the local residents from the extra traffic noise from potentially 9 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 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.

Reason

To protect the amenity from vehicles leaving and entering the site

NRW

Thank you for consulting Natural Resources Wales on the above application.

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 Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/planning-and-development/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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Public Rights of Way

The development area (as on plan 2017/15/06) is close to footpath NL169. In an email (received 11th August from the planning officer) regarding the parking of employees vehicles; the agent has stated that they will be parked within the curtilage of the building during the day, and this should be maintained in order to leave the footpath clear and available at all times.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

Cllr Nantmel

I write in connection with the attached planning application which you sent to me on 1st June 2017.

As can be seen by the email below Nantmel Community Council have asked me to call in the application in order for it to be considered by the Powys Planning Committee. Their reasons are as set out below.

As per the decision made at last night's meeting of Nantmel Community Council.

The Community Council request that you call in the above planning application (P/2017/0455) to be heard by the Full Planning Committee for the reasons stated in the email below which formulate the Community Council objections.

- The change of use from Agricultural to an Industrial Site
- The increase in volume of commercial vehicles on an already busy and narrow lane
- Potential for environmental contamination from fuel, oil and wash down
- The land was originally designated as a run out area for the free range poultry in a previous application.

Representations

Following the display of a site notice, public representations have been made which make reference to the following matters:

- Parking areas
- Change in use from agricultural to commercial
- Passing places
- HGV activity
- Noise
- Dirty water disposal
- Operational times

Planning History

P/2016/0149 - Erection of extension to existing agricultural building – Conditional Consent – 18/04/2016

P/2012/1307 – Full: Erection of an agricultural building for storage of hay and implements (retrospective) – Conditional Consent – 09/01/2013

P/2013/0173 - Full: Change of use of land for the siting of two mobile chalets, creation of new access and installation of private treatment plant – Conditional Consent – 04/06/2015.

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 4: Retail and Commercial Development (2016)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 11: Noise (1997)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 18: Transport (2007)

Technical Advice Note (TAN) 23: Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

- SP1 – Social, Community and Cultural Sustainability
- SP4 – Economic and Employment Developments
- GP1 – Development Control
- GP3 – Design and Energy Conservation
- GP4 – Highway and Parking Requirements
- GP6 – Conversion of Buildings in the Countryside
- ENV1 – Agricultural Land
- ENV2 – Safeguarding the Landscape
- ENV3 – Safeguarding Biodiversity and Natural Habitats
- ENV7 - Protected Species
- EC1 – Business, Industrial and Commercial Developments
- EC2 – Business Sites Hierarchy
- EC3 – Protection of Employment Sites
- EC4 – Local Employment Sites Within or Adjoining Settlements
- EC5 – Expansion of Existing Employment Sites
- T6 – Walking and Cycling
- DC3 – External Lighting
- DC11 – Non-mains Sewage Treatment
- DC13 – Surface Water Drainage
- TR2 – Tourist Attractions and Development Areas

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

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.

Principle of Development

Policy EC1 of the Powys Unitary Development Plan (2010) states that proposals for business, industrial or commercial development will be permitted where they would comply with the following relevant criteria:

“1. The development would be located within a settlement or in another location complying with the economy policies in the UDP and would be of a scale and type in keeping with this plan’s sustainable settlement and business sites hierarchies;

2. The development would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings;

3. Wherever possible, proposals should utilise an existing building or previously developed or disused “brownfield” land.

4. The development should be accessible by a choice of means of travel including foot, cycle and public transport. The proposal should not be detrimental to highway safety and approach roads to the site should be of adequate quality to accommodate any additional traffic likely to be generated by the development.

5. The proposed development would not increase or inhibit traffic circulation to the extent that the amenity of the area is unacceptably adversely affected in terms of congestion, pollution, highway safety or other disturbance;

6. Where relevant, a condition will be imposed on any grant of planning permission or a planning obligation sought, in order to secure necessary highway, public transport or other highway infrastructure improvements.”

This proposal would seek to make use of an existing building and hardstanding for contractor’s storage place (B8 use), Policy EC1 states that developments should utilise an existing building or previously developed or disused ‘brownfield’ land site. It is noted that there is an agricultural building on the site and therefore would fundamentally comply with policy EC1 part 3 of the hierarchy.

With regard to the highway related matters within Policy EC1 these will be covered within the Highway Safety section of this report.

Although not considered relevant in this case, Officers are also of the opinion that if Policy GP6 applied, it is considered that the proposed development would fundamentally comply with this policy as it meets with the first element of the hierarchy which is for a conversion for employment/industrial/commercial use and has a history of agriculture and industrial.

Based on the above criteria it is considered that the proposed development for a contractors storage place (B8 use) within this location fundamentally complies to policy EC1, EC5 and GP6 of the Powys Unitary Development Plan (2010).

Design

With respect to design, appearance and location specific reference is made to UDP policies GP1 and EC1. The respective policies indicate that development proposals will only be permitted where the design, scale, mass and materials used complement and wherever possible enhance the character and appearance of the surrounding area.

The proposed building will measure approximately 30 metres in length, 12 metres in width 3.2 metres in height to the eaves and 5 metres in height to the ridge. The building will be constructed with a steel framed structure with insulated cladded panels which will be finished in Juniper Green. The scale and size of the proposed development is seen to be in-keeping

with the surrounding areas character and appearance and has utilised materials that are regularly used in the rural agricultural industry.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy with regards to design.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and accessibility which are a fundamental requirement of any development.

Powys County Council's Highway Authority has been consulted on the proposed development. The Officer has stated that they would have no objection to the proposed development subject to the attachment of appropriately worded conditions. The Officer has stated that the site is served by a relatively short section of the C1215 county highway. The C1215 leading to this development site has been subject to a number of highway improvements over recent years, including the provision of passing bays. The Highway Officer has therefore stated that the road is considered to be generally suitable to serve a development of this nature. It is considered that there are sufficient parking spaces at the site to serve the development as detailed in drawing number 2017/15/06 (parking layout). The conditions would ensure that an appropriate access is constructed so that there are appropriate visibility splays and that the construction of a passing bay is installed along the C1215.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that in this instance that the proposed development fundamentally complies with planning policy GP4.

Environmental Health

Policy GP1 of the Powys Unitary Development Plan (2010) relates to the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise, light, dust, odour, hours of operation or any other planning matter.

Powys County Council's Environmental Health Officer has been consulted on the proposed development. The Officer has stated that they would have no objections to the proposed development subject to the attachment of an appropriately worded condition. The condition would restrict the hours of operation and movements to and from the site. This condition would ensure that the site does not operate during unsociable hours and would therefore ensure that noise levels are restricted to those hours of operation.

NRW and the Environmental Health Officers have been consulted on the proposed development and considered the wash down area that has been proposed. Neither NRW nor the Environmental Health Officer have raised any concerns over the wash down area proposed that includes the inclusion of an interceptor. As stated by the Environmental Health Officer an interceptor is a method for collecting oil, silt etc from water such as a vehicle wash before discharge to drainage so to prevent pollution.

In light of the above comments and subject to the attachment of appropriately worded conditions it is considered that the proposed development in this instance fundamentally complies with relevant policy.

Landscape Impact

Development proposals should give careful consideration to the surrounding landscape. Policies ENV2 and GP1 seek to safeguard and enhance Powys' landscape wherever possible through development proposals.

Policy ENV2 states that proposals should also contain appropriate measures to ensure satisfactory integration into the landscape. The development site is located in a hollow and has had fencing erected surrounding the site which minimises the impact the site has on the surrounding landscape. In order to further aid in minimising the impact the proposed development has on the surrounding landscape appropriately worded conditions will be attached to any granting of consent.

In light of the above and subject to the attachment of appropriately worded conditions the proposed development fundamentally complies with policies ENV2 and GP1 of the Powys UDP.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that the retention/creation of an employment site would not have an adverse impact on the Welsh language or culture.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy. 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 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 4 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 the applicant shall construct a passing bay along the C1215 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site

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. 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 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).

4. 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).

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

