

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0898	Grid Ref:	305895.32 261864.02
Community Council:	Llandrindod Wells	Valid Date:	Officer: 04/08/2017 Tamsin Law
Applicant:	Powys County Council		
Location:	Household Waste Recycling Centre Waterloo Road Industrial Estate Llandrindod Wells Powys LD1 6BH		
Proposal:	Section 73 application to vary condition 2 of planning approval RAD/2007/0520 in regards to the approved plans		
Application Type:	Application for Removal or Variation of a Condition		

The reason for Committee determination

The application has been submitted by Powys County Council.

Site Location and Description

The application site is located within the settlement development limits of Llandrindod Wells as defined by the Powys Unitary Development Plan (UDP). The proposed development is located on a site allocated for employment use within the UDP.

The application site comprises a household recycling centre and is bound to the north, east and west by the existing highways network and to the south by an existing building currently being used as an ATS Euromaster.

The application seeks a variation of condition 2 of the original consent for the recycling centre to allow for a 3 metre high fence to be erected along the boundary of the site to reduce the visual and noise impact of the site from surrounding properties and to provide additional security. The fence will be completed in composite panel boards finished in brown.

Consultee Response

Llandrindod Wells TC

I am receipt of the above new planning application.

Unfortunately my Council will not meet until 19th September 2017.

Please can I extend the consultation period until 20th September 2017 to enable my Council to comment as a statutory consultee.

I await your confirmation.

Powys Highways

Does not wish to comment on the application.

Powys Building Control

No comments received by Development Management at the time of writing this report.

Wales and West Utilities

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

Welsh Water

No comments received by Development Management at the time of writing this report.

Local Councillor

No comments received by Development Management at the time of writing this report.

Powys Environmental Health

No comments received by Development Management at the time of writing this report.

Powys Contaminated Land

In relation to Planning Application P/2017/0898, there would be no requirements in respect of land contamination.

Powys Land Drainage

No comments received by Development Management at the time of writing this report.

NRW

1st Response

Would it be possible to request an extension on the following consultation please?

There's quite a few of my colleagues off on annual leave during the school holidays.

P/2017/0898 - Household Waste Recycling Centre, Waterloo Rd Ind Est

Would it be acceptable to have 7 days extension from the date the response is due back ie 11th September 2017.

If you have any consultations that need urgent responses and cannot wait until the above date please can you respond to North.Planning@naturalresourceswales.gov.uk and we will prioritise.

2nd Response

Apologies, I know we've requested an extension of time to reply for this application.

Would a response by the end of next week be acceptable?

The environment officer I need to speak to is on leave until the 13th and I would appreciate their input.

3rd Response

Thank you for consulting NRW regarding the above application.

NRW have no objection to the variation of condition no 2.

Representations

The application was advertised through the erection of a site notice. No representations or objections have been received.

Planning History

RAD/2007/0520 – Change of use to land from 'employment use' to B2 'general industrial' – Recycling centre and provision of hard standing to relocate the town and public recycling bins. Conditional Consent.

P/2015/0827 - Provision of a dedicated area within the existing recycling site for safe storage of household waste classed as hazardous. Conditional Consent.

P/2015/0829 - Section 73: Variation of condition 2 of planning approval RAD/2007/0520 to allow additional fencing and gates to be erected.

P/2015/0830 - Section 73: Variation of condition 3 of planning approval RAD/2007/0520 to allow changes to time of collection/delivery of recycling containers to include 8.00 hours to 1700 hours on Saturday.

Principal Planning Constraints

Landfill

Historic Landfill Sites

Principal Planning Policies

National planning policy

Planning Policy Wales (2016)

Technical Advice Note 12: Design (2016)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP GP1 – Development Control

UDP EC3 - Protection of Employment Sites

UDP HP4 - Settlement Development Boundaries and Capacities

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

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.

Background

The current Recycling Centre is open to the public (08:00 – 18:00 Monday to Friday, 09:00 – 17:00 Saturday and Sunday, and no public access on bank holidays) and has been in operation since approximately 2008 and currently accepts a variety of household/municipal waste, such as cardboard, glass and aluminium etc. Works vehicles currently access the site between 08:00-17:00 Monday to Saturday.

This application has come about to increase security at the site and to reduce any noise impacts on surrounding properties.

Proposal

The application seeks consent to vary condition 2 of planning permission RAD/2007/0520 to allow for an amendments to the boundary fence. The current fence is a 2 metres high timber fence and it is proposed to replace this fence with a 3 metre high composite panel finished in brown. The proposed fencing is to have an acoustic absorption category of A3 and is proposed reduce any visual and noise impacts.

Policy

Policy GP1 required that development proposals will only be permitted where they are in keeping with the character of the surrounding area and where the amenities of nearby properties are not unacceptably affected.

The principle of the Recycling Centre has already been established at the site, this application is to allow for the erection of a taller fence.

After carefully reviewing the application, the policy background and from visiting the site, it is considered that the principal issues are as follows;

Impact of Residential Amenity

The design, layout, scale, mass and material of the development would be in keeping with that of the existing area, the site is located in an area with a mix of industrial and residential properties (although predominantly residential). There are numerous fencing styles in the area including timber fencing (like that on site) chain link fencing around the ATS site. The rear yard to Boys of Boden (granted planning permission under ref P/2012/0350) will have a mix of security fencing along with the existing timber fencing.

Therefore, it is considered that the proposed fencing at the Recycling Centre would not be out of character with the surroundings and the mix of fencing styles in the area.

The fencing of the site would be made up of composite panel boards in brown and would be 3 metres in height.

It is not considered that this would be excessive in scale and the design of the fencing and the gates has been designed as a deterrent to potential fly tipping and/or other crimes so would be in compliance with part 1 and part 2 of policy GP 1. The proposed development has also been designed to reduce any noise impacts from the recycling centre to the benefit of neighbouring properties.

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 there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

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

Whilst the addition of this fence would raise the fence line by 1 metre it is not considered that this, would have any adverse impacts upon residential amenity. There is a variety of different fencing styles in the surrounding area and the proposed fences would not be incongruous, and would also help to bring more control to the site and minimise the potential for people accessing the site at unsociable hours and/or fly tipping at the site. The proposed fence would also aid in reducing noise impacts on the surrounding area. In light of this the application is recommended for approval.

Conditions

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission
2. The development shall be carried out in accordance with the plans and documents submitted (drawing no's: 2339_02/P02/002 and 2502/C/007).
3. The gradient of the access shall not exceed 1 in 30 for the first 15 metres measured from the edge of the adjoining carriageway along the centerline of the road.
4. Closed Circuit Television (CCTV) shall be installed within one month of the new operating hours being implemented and retained on site in perpetuity.
5. Recycling containers shall only be collected from the site or delivered to the site between the hours of 08:00 hours and 17:00 hours Monday to Saturday. There shall be no collections or deliveries of recycling containers on Sunday.
6. The total number of Heavy Goods Vehicle Movements (vehicles in excess of 7.5 tonnes gross weight) associated with the collection or delivery of recycling containers shall not exceed 6 movements (3 in and 3 out) (Saturdays 13:00 hours to 17:00 hours).
7. Members of the public shall only have access to the site between the following hours;
 - a. 08:00 hours and 18:00 hours Monday to Friday
 - b. 09:00 hours and 17:00 hours Saturday and Sunday
 - c. There shall be no public access to the site on bank holidays
8. All skip vehicles within the control of the site operator shall be fitted with protective sleeves over the loading/carrying chains.

Reasons

1. To comply with section 91 of the Town and Country Planning Act 1990.
2. For compliance purposes with the drawings submitted.
3. In the interest of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
4. For the protection of residential amenity in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
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Case Officer: Tamsin Law- Principal Planning Officer
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