

UPDATE REPORT

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1421 **Grid Ref:** 300529.02 251422.84

Community Council: Cilmery **Valid Date:** 06/12/2017 **Officer:** Thomas Goodman

Applicant: Mrs Eileen Cheffers, 9 The Crescent, Llanelwedd, Builth Wells, Powys, LD2 3TR

Location: Land adj Morgannwg, Cilmery, Builth Wells, Powys, LD2 3NU

Proposal: Outline: Residential use of 4 self build plots (all matters reserved)

Application Type: Application for Outline Planning Permission

Update Report

Consultee Response

Cilmery CC

Cilmeri Community Council met on 03 January 18 to discuss the above application.

The council has no objections to the project to develop the 4 plots, it does however have objections to the proposed closure of the layby.

It is felt that losing the layby would have a detrimental effect on the village and would be depriving the community of a facility.

The layby is used on a regular basis. Please find examples of use below:

Lorries of all sizes use this layby to pull over for tachograph breaks and to let built up traffic pass safely as this is long enough to park the full length of the vehicle in safely.

This is also the case with tractors towing trailers, as this is the first recognised layby from Builth approx. 2 miles, and the last until just before Garth approx. 3.5 miles for westward bound traffic.

Overspill parking (due to issues with a lack of parking in the village).

There are also objections to the proposed re-siting of the post box and defibrillator (which is housed in the old phone kiosk).

The phone box is owned by Cilmeri Community Council and to date there has been no consultation about this aspect.

A further area of concern is that the submitted plans show that the main fowl will be crossing the road, but does not show its entry point into the main sewer which is nowhere near the proposed outlet.

It was also noted that one resident had measured the visibility splay and it is 90 metres not the 120 metres as suggested.

As you will see from the attached letters received from members of the public within the community there is a strength of feeling against the proposals to close the layby, this feeling is likely to grow as more people become aware of the proposals.

Cilmeri Community Council would like to request that this application is put before the full planning committee.

Representations

A petition has been handed in with 343 signatures. The petition relates to the application and the closure of the lay-by.

Photographs have also been received since the original report, highlighting that the lay-by is used by a range of motorised vehicles, including lorries, tractors and buses.

A further 8 letters of objection have been received from members of the public which in summary raise the following matters:

- The closure of a lay-by within the village of Cilmeri that allows members of the public to stop and post their letters as well as providing an opportunity for traffic to pull into.

A letter of support from a member of the public has also been received.

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.

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.

