

## Planning, Taxi Licensing and Rights of Way Committee Report

### Update Report

<b>Application No:</b>	P/2016/0940	<b>Grid Ref:</b>	320592.09, 268888.89
<b>Community Council:</b>	Llangunllo	<b>Valid Date:</b>	<b>Officer:</b> 19/09/2016 Bryn Pryce
<b>Applicant:</b>	Mr Tom Jones Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA		
<b>Location:</b>	Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA		
<b>Proposal:</b>	Change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### **Update Report**

#### Highways Safety and Movement

Officers have sought further information since the initial report regarding securing passing bays as part of this application in response to highways concerns and the views shared by the local member. As a result the applicant has provided additional information to show the proposed location of five passing bays and their construction (plan no's: 4611/4A, 4611/PassingBay). The highways officer has been consulted on the revised plans and has provided the below comments:

*Thanks for forwarding the additional passing bay information submitted by the agent. The proposals put forward are in line with those submitted and duly approved as part of the previously consented scheme PR407504 and are therefore considered appropriate in this instance. Accordingly I would recommend that the following highway condition be included alongside those provided as part of my initial response.*

*HC37 Prior to any works being commenced on the development site the applicant shall construct 5 passing bays along the U1143 county highway in locations as detailed on submitted drawing 4611/4A. The passing bays shall be constructed to an adoptable standard prior to any works being commenced on the development site to the written satisfaction of the Local Planning Authority.*

Subject to the inclusion of the above condition officers are satisfied that the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan 2010.

#### Flood Risk

Further to my original report further information was sought with regards to the hydrological report submitted in support of the application. The report confirmed details for the appropriate

sized replacement culvert crossing point that should be installed. Further details have been received in terms of maximum depth of flooding at the proposed access point. The consultant who produced the hydrological report has confirmed that during a 1 in 1000 year flooding event the maximum flood depth above the crossing access point would be 100mm (assuming a partial blockage of the culvert). It is likely that in any flood event this would be localised to a few metres from the crossing point and within the applicants land ownership.

TAN 15 table A1.15 gives guidance that the maximum depth of flooding that would be considered to be acceptable for access to a residential development would be 600mm. The applicant has provided information to demonstrate that the maximum depth of flooding at this access point is likely to be 100 mm in a 1 in 1000 year flood event. Officers consider that the proposed development and information submitted in support complies with the guidance as set out in TAN 15 and therefore the proposed crossing point within the C2 flood zone is acceptable.

## **RECOMMENDATION**

The officer's recommendation remains one of conditional consent in line with the revised and additional conditions as set out in this update report.

### **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 received on 19th September 2016 (drawing no's: 4611/1, 4611/5, 4611/6) amended plans received 22nd October 2016 (Drawing no's: 4611/3A, 4611/7A, 4611/8A) documents received 25th October 2016 (Percolation test results) amended plans received 28th June 2017 (Drawing no's: 4611/9A) and additional plans received 10<sup>th</sup> July 2017 (drawing no's: 4611/4A, 4611/PassingBay).
3. Before any other development commences 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 0.6 metres above ground level at the edge of the adjoining carriageway and 25 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.
4. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

5. Prior to the occupation of the lodges the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
6. In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

7. No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.
8. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed before the site becomes operational.
9. Prior to the construction of the holiday units hereby approved details and samples of the materials to be used in the construction of the external surfaces of the units shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
10. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
11. Prior to the first occupation of the holiday units hereby approved the approved bridge crossing as detailed on plan number 4611/9A shall be fully completed.
12. Prior to commencement of development, an other Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
13. Prior to any works being commenced on the development site the applicant shall construct 5 passing bays along the U1143 county highway in locations as detailed on submitted drawing 4611/4A. The passing bays shall be constructed to an

adoptable standard prior to any works being commenced on the development site to the written satisfaction of the Local Planning Authority.

## **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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Powys County Council's Unitary Development Plan 2010.
7. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
8. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.
9. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan (2010).
10. In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.
11. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
12. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

## **Informative Notes**

### Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

The Applicant should be made aware that prior to any work to replace the existing culvert structure, prior consent to work in the watercourse will need to be secured under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010) from the LLFA (Powys County Council's Land Drainage team). Relevant Ordinary Watercourse Consent (OWC) application forms and guidance can be found on the public website at <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>. The overall depth of culvert will therefore need to be finalised, the details of which can be agreed as part of an OWC application prior to commencement on site.

In order to safeguard the watercourse channel the minimum requirement would be to allow for a 5 metre buffer strip adjacent to top of bank of the watercourse, which would also allow for any overland flows. No buildings, structures or alteration of contours shall take place within this 5 metre strip without prior permission from the Planning Authority.

That prior to any commencement on site, an OWC for the replacement bridge crossing shall be secured.

### Natural Resources Wales

No material should be deposited within 10 metres of any watercourse without discussion with Natural Resources Wales

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