

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan because part of the access lies within the C2 flood zone.

Site Location and Description

This site is accessed via a private track off the U1143 unclassified highway approximately 0.5 miles north of Bleddfa. The site currently consist of semi improved agricultural grazing land with existing crushed stone tracks and mature hedgerows bounding the site. The fields are accessed across an existing culverted stream.

This application seeks consent for the change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works. Units 1 and 2 are proposed to be two storey in height and to measure 7 metres in width, 13 metres in length, 3.5 metres in height to the eaves and 6.5 metres in height to the ridge. These units are proposed to have three parking spaces each. Units 3 & 4 are proposed to be single storey to measure 7 metres in width, 13 metres in length, 2.25 metres in height to the eaves and 4.5 metres in height to the ridge. These units are to have two parking spaces each. The proposed access track is to be surface in hardcore with a new box culvert crossing to be provided to replace the existing crossing point.

Consultee Response

Llangunllo Community Council

Correspondence received 28th October 2017

Thank- you for allowing a short extension for the Community Council to comment on this planning application.

The Councillors have raised no objection to the siting of 4 holiday lodges at Dolassey Farm, Bleddfa, but they are concerned over the provision of passing bays on the lane (U1143) which have not yet been completed from a previous application.

PCC - Building Control

Correspondence received 13th June 2017

Please be aware that the proposed work will require Building Regulations approval.

PCC - Highways

Correspondence received 30th September 2016

The County Council as Highway Authority for the County Unclassified Highway, U1143

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway authority has no objection to the proposal in principle, but would point out that the provision of passing bays to adoptable standards along the U1143 county highway, secured through previous consents PR407504 & PR407505 in favour of the applicant, have not yet been fully completed. If action is taken to ensure these works are completed, or a suitable condition is attached as part of this application, then I would recommend 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 **0.6 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.
- HC7 Within 5 days from the commencement of the development 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.
- HC21 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.

Wales & West Utilities

Correspondence received 30th Septmebr 2016

Wales & West Utilities acknowledge receipt of your notice received on 26.09.2016, advising us of the proposals for: Dollasey, Bleddfa, KNIGHTON, Powys, LD7 1PA

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Cllr Hywel Lewis

Correspondence received 5th October 2016

Thank you for notification of the above Planning application, I wish to offer the following observations.

I concur with the comments made by Steve Jones, Highways that the provision of passing bays to adoptable standards along the U1143 secured through a previous consent have not been fully completed, and that if you are so minded to approve the application a condition should be attached requiring these passing bays to satisfactorily finished to Highways adoptable standard prior to the commencement of any work on the new development.

PCC - Environmental Health – Public Protection

Correspondence received 18th January 2017

The calculations submitted satisfy concerns in relation to the foul drainage and in particular the drainage filed, I note the comments of our colleagues in the NRW and offer the following should permission be granted.

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

The foul drainage from the development which is to be discharged to a septic tank and soak away system shall meet the requirements of British Standard BS 6297: and which complies with the following:

- (a) There is no connection to any watercourse or land drainage system and no part of the soak away system is situated within 10 metres of any ditch or watercourse.

PCC - Environmental Health – Contaminated Land

Correspondence received 7th October 2016

In relation to Planning Application P/2016/0940 the following advice is provided for the consideration of Development Control.

Advice

Historic ordnance survey (OS) maps identify that the application site is located within 100metres of an area of unknown filled ground, which is associated with a former quarry. The area of unknown filled ground could be a potential source of land contamination depending on the type and nature of the materials that have been placed.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: *"responsibility for determining the extent and effects of instability or other risks. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners"*.

In consideration of the above it is recommended that the following Condition and Note to the applicant be attached to any permission granted for Planning Application P/2016/0940:

Potential Contamination

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.

Reason: 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 policy ____ of the adopted Local Plan (date)].

Note to Applicant

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.

PCC - Ecologist

Correspondence received 30th September 2016

Thank you for consulting me with regards to planning application P/2016/0940 which concerns change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works.

A Extended Phase 1 Survey has been undertaken by PearceEnvironment LTD, the results of this assessment have been submitted with the application with additional information regarding potential impacts to biodiversity.

I have reviewed the Extended Phase 1 Survey produced by PearceEnvironment LTD dated June 2016. I consider that the survey effort employed was in accordance with National guidelines and that the assessment and conclusions identified are appropriate to enable the LPA to assess the impacts of the proposed development to biodiversity.

The report concluded that no evidence of protected species or habitats considered suitable for other protected species were identified during the scope of the study. A habitat suitability index was undertaken of the pond to the west of the application area, this scored poorly.

Great crested newts were thought not to be present as a result of the poor suitability of the pond 1 and the fast flowing stream acting as a barrier, no further surveys were deemed necessary. Reptiles were considered not to be present because of a lack of refugia as a consequent of high intensity grazing. No evidence of badgers or badger setts were observed and were not considered to be a constraint to the development. Birds were also not considered to be a constraint as hedgerows and trees on the property were to remain intact. Otters, water voles and dormouse were not considered to be present as a result of lack of suitable habitat.

A number of enhancements were suggested within the report. These included; a new native boundary hedge, a sensitive lighting strategy and erection of bird and bat boxes. These enhancements are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. I therefore recommend that a biodiversity enhancement plan is secured through an appropriately worded condition to ensure net biodiversity benefits (biodiversity enhancements) through the proposed development. The enhancements detailed in the Extended Phase 1 Survey report are not considered sufficient for the size of the development and so the LPA would want additional biodiversity enhancements, which could include;

- Bat tubes included on the holiday homes e.g. <http://www.nhbs.com/title/162812/2fr-schwegler-bat-tube>

It is important to note that the number, location and type of bat boxes, bat tubes, bird boxes, hedge species must be detailed in the biodiversity enhancement plan.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV3 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Section 6 of the Environment (Wales) Act 2016.

Correspondence received 20th June 2017

Thank you for re-consulting me with additional information submitted with regards to the change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works at Dolassey Farm, Bleddfa, Knighton, Powys.

Having reviewed the additional information it is considered that the response submitted by my colleague Guy Bennet dated 26th September 2016 remains valid.

NRW

Correspondence received 19th October 2016

Thank you for referring the above consultation received by us on 25th September 2016.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - A condition requiring submission and implementation of a Pollution Prevention Plan

Pollution Prevention

In this instance the development proposal site is immediately adjacent to a watercourse that is a tributary of the River Lugg SSSI. The proposed access road crosses the watercourse. A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 1: A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction

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

Pollution Prevention Guidance <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> is still applicable in Wales and PPG5 'Works in, near or over watercourses' and PPG6: 'Working at construction and demolition sites' are relevant.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000.

Flood Risk

The proposed four holiday lodges are outside DAM C2. This has been corroborated by a desk top study which has confirmed that relative to the catchment size and site topography, the proposed built development satisfies Table A1.14 of TAN15. There is no perceived flood risk to the built development.

However, the proposed access route crosses the adjacent watercourse. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that evacuation is possible if required.

The proposed crossing will require approval under the terms of the Land Drainage Act by the Lead Local Flood Authority. The Planning Authority should therefore liaise with the Drainage team to ascertain whether any existing crossing is adequate or a new crossing would require a Land Drainage Consent.

Foul Drainage

We have reviewed the percolation test results and as these show that the soakaway will need to accommodate more than 2 cubic metres per day to ground a permit will be required in this instance. The septic tank and soakaway must both be located more than 10 metres from controlled waters. The applicant should contact the NRW Permitting Service as soon as possible. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

We only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to public sewer.

If you wish to discharge treated sewage or trade effluent into a surface water or to ground you may require an Environmental Permit from us. In some cases you may be able to register an exemption. Further information is available on our website. The granting of planning permission does not guarantee a permit under the Environmental Permitting Regulations 2010.

All works should also be undertaken in accordance with the relevant Pollution Prevention Guidance.

We recommend that the percolation test results are also checked by the LPA's Building Regulations team.

Protected Species

We note that your internal advisers have commented with respect to protected species and we agree with their advice. We would suggest that the Biodiversity Enhancement Plan should particularly include:

- The recommendation made in section 4.3 of the report regarding an external lighting strategy for retention of dark corridors along the stream
- Reasonable avoidance measures (RAMs) for otters during the construction phase to avoid harming / disturbing these species if they should happen to commute onto the site from the surrounding area although we note that the site is not considered to provide suitable habitat.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do 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.

Correspondence received 28th February 2017

Thank you for referring the above consultation received by us on 25th September 2016.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - A condition requiring submission and implementation of a Pollution Prevention Plan

Pollution Prevention

In this instance the development proposal site is immediately adjacent to a watercourse that is a tributary of the River Lugg SSSI. The proposed access road crosses the watercourse. A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

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However, the proposed access route crosses the adjacent watercourse. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that evacuation is possible if required.

The proposed crossing will require approval under the terms of the Land Drainage Act by the Lead Local Flood Authority. The Planning Authority should therefore liaise with the Drainage team to ascertain whether any existing crossing is adequate or a new crossing would require a Land Drainage Consent.

Foul Drainage

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All works should also be undertaken in accordance with the relevant Pollution Prevention Guidance.

We recommend that the percolation test results are also checked by the LPA's Building Regulations team.

Protected Species

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- The recommendation made in section 4.3 of the report regarding an external lighting strategy for retention of dark corridors along the stream
- Reasonable avoidance measures (RAMs) for otters during the construction phase to avoid harming / disturbing these species if they should happen to commute onto the site from the surrounding area although we note that the site is not considered to provide suitable habitat.

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We have not considered potential effects on other matters and do 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.

Correspondence received 12th June 2017

Thank you for re-consulting NRW with regards to the additional information received for this application. We confirm that the comments contained in our letter dated 19th September 2016 remain valid and advise that you should share the additional information with your Drainage Team as Lead Local Flood Authority.

PCC – Land Drainage

Correspondence received 24th February 2016

Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following observations/comments/recommendations.

Local Flood Risk/Land Drainage

Observation:

Comment: The holiday lodges are noted to be located a reasonable distance from the adjacent watercourse. However, the proposed vehicular access route crosses and is positioned alongside this watercourse. However, in order to provide a safe means of access/egress to the lodges, it may be necessary for the Applicant to either undertake improvements to the existing culvert crosser or provide a new structure.

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.

Recommendation: 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.

Reason: 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.

Informative: The LLFA is, in general, opposed to culverting of 'Ordinary' watercourses but culverting for development access purposes is acceptable if this is kept to a minimum. Any proposed culverting or alteration of an existing culvert structure, which effects an Ordinary watercourse, will require the prior consent from the LLFA (Powys County Council) under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to this watercourse.

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated under Item 13 – 'Assessment of Flood Risk' on the planning application form, where it states surface water is to be disposed to soakaway.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

The use of soakaways should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance for climate change.

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

No surface water run-off shall flow onto the existing public highway.

Recommendation: 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.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

Hope this is of assistance.

Correspondence received 9th June 2017

With regard to the above mentioned application and receipt of the recent hydrological/hydraulic report prepared by Francis Sant (dated May 2017) for the sizing of the access bridge, the Lead Local Flood Authority (LLFA) would make the following comments and recommendations:-

Local Flood Risk/Land Drainage

Observation: The holiday lodges are noted to be located a safe distance from the adjacent watercourse. However, the proposed vehicular access route is positioned alongside this watercourse.

With regard to the proposed works to replace the existing watercourse access bridge with a larger structure, the LLFA consider this acceptable. However, the invert of the proposed culvert should be sunken 300mm below existing bed level to avoid creating any barrier and thereby reducing connectivity within the catchment.

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.

Comment: 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.

Recommendation: 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.

No development shall commence until a OWC for the proposed replacement bridge has been secured, the details of which shall be submitted to and approved in writing by the local planning authority. The approved bridge crossing shall be completed before the site becomes operational.

Reason: 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.

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to soakaway.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

The use of soakaways should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance for climate change.

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

No surface water run-off shall flow onto the existing public highway.

Recommendation: 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.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.
Hope this is of assistance.

Representations

One third party response received by Development Management at the time of writing this report in support of the application.

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Policies

Planning Policy Wales (9th edition, 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) 12 – Design (2016)
Technical Advice Note (TAN) 13 – Tourism (1997)
Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)
Technical Advice Note (TAN) 23 – Economic Development (2014)

Local Policies

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage
SP8 – Tourism Developments
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highways and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats.
ENV7 – Protected Species
TR1 – New Tourism Developments
TR4- Self-Catering Visitor Accommodation
TR8 – Holiday Chalet and Cabin Development
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC9 – Protection of Water Resources
DC11 – Non- Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood prevention measures
DC15 – Development on Unstable or Contaminated Land

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 TR1 of the Powys Unitary Development Plan seeks to ensure that proposals for new tourism developments do not have an unacceptable adverse impact upon the character and

appearance of the area or the social and cultural fabric of the community. Proposals where possible should utilise existing building and or brownfield sites and should not have and unacceptable adverse effect upon the environment. The proposed development should be accessible by a variety of means of transport and not be detrimental to highway safety.

Policy TR8 of the Powys Unitary Development Plan seeks to ensure that development for holiday chalets and cabin developments are of an acceptable scale, location and density. They must occupy an inconspicuous site, incorporate landscaping, and be of modest scale and acceptable design so that the overall development would not have an unacceptable adverse impact upon the character and appearance of the area.

This proposed development is of an acceptable scale comprising of four holiday units which occupy and inconspicuous site. The development includes a number of additional landscaping features to enhance the existing planting and offer further screening from the wider landscape.

Due to its modest scale, its location and landscaping proposed it is considered that the proposed development would not have an unacceptable adverse impact upon the character and appearance of the surrounding area. In light of the above, it is considered that the proposed development fundamentally complies with policy TR1 and TR8 of the Powys Unitary Development Plan 2010.

Scale, Design and Appearance

With respect to design and appearance, reference is made to UDP policy GP1, GP3 and TR8. The respective policy indicates 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 holiday units are to be of similar design, construction and materials with two of the units being two storey 3 bedroom units and two of the units being single storey 2 bedroom units. It is considered that the proposed units are of an appropriate scale for the intended use and sited to take account of the existing surrounding screening and existing mature hedgerows in line with policy TR8. The proposed units are to have a stone plinth with wood grain effect cladding above. The proposed windows and doors are to be of wood grain UPVC construction with the roofs being slate effect steel sheeting.

The proposed materials are considered to be appropriate to the character and appearance of the surrounding area and for the proposed use. However, it is considered that further details of the proposed materials would be required and secured via condition upon any grant of consent.

In light of the above observations, it is considered that the design and external appearance of the proposed holiday units fundamentally complies with policy GP1, GP3 and TR8 of the Powys Unitary Development Plan and as such, will complement and enhance the character and appearance of the area whilst safeguarding the character of the surrounding area.

Highways Safety and Movement

UDP policy GP4 indicates that development proposals will only be permitted where adequate provision is made for access, including visibility together with on-site parking and turning provision.

As part of this application process the highways authority have been consulted and have raised no objection to the scheme subject to a number of recommended conditions. Officers consider that the application details as submitted show an adequate access and parking facilities to be provided for the holiday units with the access route being acceptable and generally on existing routes or adjacent to existing field boundaries. Highways have suggested a condition would need to be attached in relation to passing bays, further information is currently being sought from the Highways Department and their response will be provided in the form of an update report.

In light of this, it is considered that the proposed development fundamentally complies with the policy GP4 of the Powys Unitary Development Plan 2010.

Landscape Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that development proposals take account of the high quality landscape of Powys and are appropriate and sensitive to the character and surrounding landscape.

The proposed development is in a rural location near to the existing farmhouse and farm complex. The site itself is not highly visible to any neighbouring properties and is bound by some existing mature hedgerows and trees. The site is sloping to the north east and the topography of the land helps to screen the site from the wider landscape. The units are sited as such to remain discreet in the landscape and are of a height that will not have an unacceptable impact upon the visual appearance of the area and of the surrounding landscape. It is proposed that additional planting is provided between the units to provide a separation and separate amenity areas.

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact upon the character and appearance of the wider landscape with the proposed materials complementing that of the local area. The proposal complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Ecology

As part of this application process the county ecologist and Natural Resources Wales have been consulted. No objections have been raised by either consultee but they have recommended conditions to be attached to any grant of consent. Officers consider that it is not appropriate to seek further biodiversity enhancements for the site above that needed to mitigate the development impact in light of recent appeal decisions, however consider that a condition to secure reasonable avoidance measures in respect of otters is appropriate for the proposed development.

In light of the above, it is considered that there is likely to be no unacceptable impact on protected species and biodiversity and therefore subject to the recommended condition, the proposed development complies with policy ENV7 of the Powys Unitary Development Plan 2010.

Flood Risk

The holiday unit site is to be accessed over an existing culverted stream crossing which lies within the C2 flood zone. Although the holiday units themselves lie outside of the flood zone the access itself must be considered. Natural Resources Wales initially provided comments regarding the access to the site and directed us to our land drainage officers for further advice on the crossing point. Further details in respect of a hydrological assessment of the crossing point and an upgraded crossing have been sought from the applicant. The details have been provided which illustrate a new box profile culvert crossing to be installed which will have an acceptable capacity to cope with future flooding events and not result in any unacceptable offsite flooding. The proposed crossing is considered to provide a safe access point to the holiday units in any flooding event.

As part of the application process our land drainage officer has been consulted and initially raised concerns over the proposed crossing point and suggested that a new crossing point was required. Amended plans were sought following the officers comments which now address the issues raised. Officers are satisfied that the proposed access and crossing point are considered to be acceptable in line with the requirements of planning policy.

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

Having carefully considered the proposed development, Development Management considers that the scheme as submitted is designed in a sympathetic manner and the proposed scale, design, roof pitches, proposed materials and fenestration will complement the character of the surrounding area. There will be no unacceptable adverse impacts arising from the proposed development in terms of highway safety, protected species, biodiversity or flood risk.

In light of the above, it is considered that the proposed development fundamentally complies with the relevant planning policies and therefore 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 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, 4611/4A, 4611/7A, 4611/8A) documents received 25th October 2016 (Percolation test results) and amended plans received 28th June 2017 (Drawing no's: 4611/9A).
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.

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.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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.

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.

Land Drainage

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