

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

<b>Application No:</b>	P/2017/0751	<b>Grid Ref:</b>	303807.21 251605.41
<b>Community Council:</b>	Llanelwedd	<b>Valid Date:</b>	<b>Officer:</b> 30/06/2017 Thomas Goodman
<b>Applicant:</b>	Mr Aled Jones, The Royal Welsh Agricultural Society, Royal Welsh Showground, Llanelwedd, Builth Wells, Powys, LD2 3SY		
<b>Location:</b>	Field adjoining Old Creamery, Llanelwedd, Builth Wells, Powys, LD2 3SY		
<b>Proposal:</b>	Full: Change of use of land for temporary show time caravan park for ten days per annum each Royal Welsh Show as an extension to existing park		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The proposed development is located within a C2 flood zone and seeks consent for highly vulnerable development and is recommended for approval. The development is therefore a departure from the Powys Unitary Development Plan (2010).

### Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010). To the north east of the development site runs the A470 trunk road. To the east is a car sales building (sui generis) to the south and west is agricultural land with consent for temporary Royal Welsh Show (10 days per annum) for caravans.

Consent is sought in full for the change of use of land for a temporary caravan park for 10 days per annum each Royal Welsh Show to act as an extension to the existing park.

### Consultee Response

#### Llanelwedd Community Council

No response received at the time of writing this report.

#### PCC - Highways

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

## Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

## Sewerage

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

## PCC - Environmental Health

*Consultation response received 12/07/2017:*

On the application form it states that drainage will be a septic tank, this tank is also shown on the plans. What relevance does this tank have to the application please.

*Consultation response received 13/07/2017:*

So in essence it's a chemical toilet facility for the caravans. That's ok just wasn't sure why it was highlighted.

I have no objection to the application

## PCC - Ecologist

Thank you for consulting me with regards to planning application P/2017/0751 which concerns the full application for the change of use of land for temporary show time caravan park for ten days per annum each Royal Welsh Show as an extension to existing park at field adjoining Old Creamery, Llanellwedd, Builth Wells, Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed change of use for proposed field. The data search identified 202 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are three statutory designated sites within 500m of the field which change of the use is proposed:

- Afon Irfon – SSSI
- River Wye (Upper Wye) – SSSI

- River Wye SAC

Having reviewed the location and nature of the proposed developments in relation to the designated sites SAC/SSSI it is considered that there is no potential for a Likely Significant Effect to the SAC/SSSI or its associated features and that a HRA would not be required.

There are no non-statutory designated sites within 500m of the proposed development.

The proposed change of use will not result in the loss of any features of ecological importance and it is considered the proposed change of use will not result in negative impacts to biodiversity in the wider area.

I therefore have no concerns regarding negative impacts to biodiversity and do not consider that any ecology surveys would be required to support a planning application for the proposed change of use of the field

If it is proposed to provide additional external lighting as part of the potential development consideration will need to be given to any external lighting to minimise impacts to nocturnal wildlife commuting and foraging in the local area given the close proximity to the tree-lined watercourse, namely the river wye to the south west of the field.

Consideration has been given to the proximity of the development to the watercourse present namely the River Wye. In considering the nature of the change of use it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant is reminded that any works undertaken on the said field should be in accordance with available Pollution Prevention Guidelines, particularly GPP5: Works and maintenance in or near water and PPG6: Working at construction and demolition sites, details of these guidelines can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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

No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 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 2016.

#### NRW - Flood

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 07/07/2017. NRW would not object to the proposals. Please find our detailed comments below.

## Protected Sites

The proposal is in the vicinity of the following protected sites:

- River Wye Special Area of Conservation (SAC)
- River Wye (Tributaries) Site of Special Scientific Interest (SSSI)

The proposed temporary caravan site is located in a field 90meters away from the River Wye (upper Wye) SSSI and River Wye SAC.

The application site is separated from the River Wye by a field. This field has been used for RWS parking and camping in the past and there is no direct drainage route for contaminated water to enter the SAC river from this location. Due to the proximity of the site to the River Wye SAC it will be necessary for the local planning authority to assess the potential impact of this development as prescribed under the Conservation of Habitats and Species Regulations 2010 (as amended). NRW consider the below information to be most relevant to any assessment.

The application states that the foul water will go to a cesspit which will be emptied twice a day. NRW would recommend that the local authority confirm the cesspit is of an adequate size to be able to accommodate the volumes of effluent likely to be produced. Where applicable, operations should be in accordance with Pollution Prevention Guidelines (PPG) 4, with particular reference to Section 3.3 Cesspools. Any system should also be alarmed to prevent overflowing and protected from damage from onsite activity.

## Protected Species

Otters are a feature of the River Wye SAC and NRW have records of otters and otter holts along the section of this river (280m away within the SAC and SSSI). NRW have records of bats (40m) of the proposed development. If the development does not involve the disturbance of any mature trees or hedges and lights are directed away from the River Wye, hedgerows and treelines then the scheme should not adversely affect the favourable conservation status of any protected species.

## Flood Risk

The application site lies within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, a designated main river.

TAN15 states that caravan sites are highly vulnerable and that they give rise to particular problems because of special risks to occupants at times of flooding. However, due to the temporary nature of the application (indicated to be a 10-day period of occupancy), we advise your Authority that a flood consequence assessment (FCA) is not required but the following advice should be strongly considered by your Authority.

A flood evacuation plan should be prepared and ready to implement in the event of flooding at the site. However, you should note that we are unable to provide you with advice on or

approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. Your Authority, in consultation with other professional advisors, should be satisfied that plans and procedures are feasible and in place. As noted in Section 11.23 of TAN15, suitable warning notices should be erected on site informing the users of the potential risk and evacuation plans.

This site is within the NRW Flood Warning area for the River Wye at Builth Wells and the operators are advised to sign up to Floodline Warnings Direct (0345 988 1188 / <https://naturalresources.wales/flooding/flood-warning-service/?lang=en>).

NRW flood model data for the River Wye at Builth Wells is available which could be used to help inform the emergency plan (i.e. predicted flood depths, velocities). To obtain a copy of this data, please contact [datadistribution@naturalresourceswales.gov.uk](mailto:datadistribution@naturalresourceswales.gov.uk).

#### Works near watercourses

All works at the site must be carried out in accordance with GGP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available at the Gov.uk. website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Please do not hesitate to contact us if you require further information or clarification on any of the above.

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.

#### Welsh Government Transport -

I refer to your consultation of 07/07/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK)

#### **Representations**

Following the display of a site notice, no public representations have been received at the time of writing this report.

## **Planning History**

PR74702 – Full: COU: land for temporary caravan park - Withdrawn

P/2014/0629 - Full: Change of use of land for temporary showtime caravan park for 10 days per annum each Royal Welsh Show week – Conditional Consent – 15/07/2014

P/2016/0463 - Change of use of land for temporary showtime caravan park for 10 days per annum each RWAS week and increase in touring caravans from 11 to 132 – Application Withdrawn

P/2008/0341 - Full: Proposed stone road to aid access across car park (SO 05 SW) – Conditional Consent – 14/05/2008

PR321103 – Change of use of fields to vehicle parking for 365 days per year and the siting of caravans for 10 days per year during the Society's Annual Show - Withdrawn

PR321104 – Full: Construction of Stone Roadways and improvements to 1 entrance – Withdrawn.

## **Principal Planning Constraints**

C2 Flood Zone

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

TAN 6 – Planning for Sustainable Rural Communities (2010)

TAN 12 – Design (2016)

TAN 13 – Tourism (1997)

TAN 15 - Development and Flood Risk (2004)

TAN 18 – Transport (2007)

TAN 23 – Economic Development (2014)

### Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability

SP3 - Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

SP8 – Tourism Developments

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape  
ENV3 - Safeguarding Biodiversity & Natural Habitats  
ENV7 – Protected Species  
TR1 – New Tourism Developments  
TR2 – Tourist Attractions  
TR6 – Holiday Static Caravan Sites  
TR7 – Touring Caravan and Camping Sites

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.

### Principle of Development

Policy TR7 of the Powys Unitary Development Plan (2010) refers to proposals for new touring caravan and camping sites or for extensions to existing sites will be permitted where they comply with the following criteria:

1. The site should be located within 1 kilometre of suitable roads, which will be strategic, primary, or distributor roads.
2. Safe access would be available.
3. The site could be unobtrusively assimilated into the landscape and screened from the public highway.
4. The site should not be used for the permanent siting of caravans or permanent residential use and a seasonal occupancy condition will therefore be attached to any planning permission.

The development site is accessed directly from the A470 trunk road. Powys County Council's and the Welsh Government Trunk Road Agency have confirmed that the proposed development would be acceptable and this will be covered in more detail within the Highway Safety section of the report. It is noted that the proposed development is for a temporary period only (10 days) and is for the period of the Royal Welsh Agricultural Show, it is considered that the development would not have a detrimental impact upon the landscape and this will be addressed in more detail within the Character and Appearance section of the report. As per policy TR7 should planning permission be granted an appropriately worded condition will be imposed to secure that the development site is not used for the permanent siting of caravans or permanent residential use.

In light of the above and subject to the below it is considered that the proposed development fundamentally complies with the Powys Unitary Development Plan (2010).

### Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Powys County Council's Highway Authority has been consulted on the proposed development and has not wished to make any additional comments. The Welsh Government Trunk Road Agency have also been consulted on the proposed development and have stated that they do not wish to issue a holding objection. It is noted that due to the short term temporary nature of the proposed development that the access that is currently present would be suitable for the period of this development. It is also considered that there is adequate car parking and turning provision on site.

In light of the above it is therefore considered that the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

### Character and Appearance

Policies ENV2, TR1 and TR7 of the Powys Unitary Development Plan seek to safeguard the quality and character of the Powys landscape. Whilst it is noted that the proposed development is not located within a conspicuous location, the temporary nature of the proposed caravan touring site and the neighbouring land uses during the Royal Welsh Agricultural Show period, it is considered that the proposed development will not have an unacceptable adverse impact upon the character and appearance of the surrounding area. An appropriately worded condition will be attached to any granting of consent to limit the period of stay to 10 continuous days in any calendar year thereby controlling potential impact upon the character and appearance of the Powys landscape.

Subject to the above, Development Management is satisfied that the proposed development is in accordance with Powys UDP policies ENV2, TR1 and TR7.

### Flooding

Policy SP14 of the Powys UDP refers to development in flood risk areas. The proposed development is within the C2 flood zone and is considered as highly vulnerable development. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones. Natural Resources Wales (NRW) been consulted on the proposed development. NRW have noted that the application site lies within the C2 flood zone as defined by the Development Advice Map (DAM) within TAN 15. However, due to the temporary nature of the application (10 day period) NRW have confirmed that a Flood Consequence Assessment is not required. It is noted that the site is within the NRW Flood Warning area for the River Wye at Builth Wells and NRW have advised that the operators are signed up to the Floodline Warnings Direct.

In light of the above and confirmation from NRW, that a FCA would not be required in this instance due to the temporary nature of the proposed development site it is considered that the proposed development fundamentally complies with policy SP14 of the Powys UDP and TAN15.

### Biodiversity



Policy ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seeks to ensure that protected species and their habitats are safeguarded and enhanced wherever possible. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist has reviewed the proposed plans as well as local records and completed a data search. The data search identified 202 records of protected and priority species within 500m of the development site and acknowledged that no records were identified for the site itself. The Ecologist has also noted that there are 3 statutory designated sites within 500m which are the SSSI (Afon Irfon), The River Wye SSSI and the River Wye SAC. The Ecologist has confirmed that there is no potential for a likely significant effect to the SAC/SSSI or its associated features and therefore a HRA would not be required. The change of use will not result in the loss of any features of ecological importance and it is considered that the proposed change of use will not result in negative impacts to biodiversity in the wider area. The Ecologist has stated that should additional external lighting be proposed careful consideration will need to be given to nocturnal wildlife commuting and foraging in the area and therefore an appropriately worded condition will be attached to any granting of consent.

In light of the above and subject to an appropriately worded condition it is considered that the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) and TAN 5.

### 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

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore 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: Site Location Plan).
3. No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
4. The temporary caravans hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The temporary caravans hereby approved shall only be sited for 10 continuous days of the year each year during the Royal Welsh Agricultural Show Period.

## 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 comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 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 2016.

4. In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency, in accordance with Planning Policy Wales (2016).

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