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Our Ref: 19/0057/PRE

Date: 15th May 2019

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Dear Andrew,

Reference: 19/0057/PRE

Proposal: Detached utility building to service campsite and provision of managers rural enterprise dwelling.

Site Address: 68 Degrees West Glamping, Cradoc, Brecon, Powys, LD3 9LP.

Thank you for the preliminary enquiry received by Development Management in respect of the above. Having now had the opportunity to consider the development proposals, I write to offer the following comments based on information provided with the submission and a desktop assessment of the site.

Principal Planning Policies & Guidance

I would advise that the following planning policies are considered key to the proposed development;

National Policy:

Planning Policy Wales (Edition 10, 2018)

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) 11 – Noise (1997)

Technical Advice Note (TAN) 12 – Design (2016)

Technical Advice Note (TAN) 13 – Tourism (1997)

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 23 – Economic Development (2014)

Local Planning Policy:

SP1 - Housing Growth
 SP2 - Employment Growth
 SP3 - Affordable Housing Target
 SP5 Settlement Hierarchy
 SP6 Distribution of Growth across the Settlement Hierarchy
 SP7 – Safeguarding of Strategic Resources and Assets
 DM2 – The Natural Environment
 DM4 – Landscape
 DM7 – Dark Skies and External Lighting
 DM13 – Design and Resources
 H1 – Housing Development Proposals
 T1 – Travel, Traffic and Transport Infrastructure
 TD1 – Tourism Development
 Supplementary Planning Guidance – Affordable Housing
 Supplementary Planning Guidance – Biodiversity and Geodiversity
 Supplementary Planning Guidance – Landscape

App Ref	Description	Decision	Date
P/2017/0584	Change of Use - Proposed extension to caravan site (to include caravans, tents, log pods, toilet/shower block and parking bays) & improved landscaping.	Conditional Consent	06/10/2017

Principle of Proposed Development

Utility Building:

Information accompanying the pre-application submission indicates that the proposal includes the provision of a detached utility block for office/reception, secure storage of grounds maintenance machinery and maintenance equipment, and indoor games room, WC, laundry room and kitchen at an existing campsite. Consideration has therefore been given to policy TD1 of the Powys Local Development Plan (2018).

LDP Policy TD1 – Tourism Development establishes the principle of development for proposals relating to tourism development. Policy TD1 states the following tourist facilities will be permitted where within the open countryside, they are compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:

- i. It is part of a farm diversification scheme; or
- ii. It re-uses a suitable rural building in accordance with TAN 6; or

- iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or
 - iv. It is not permanent in its nature.
3. Accommodation shall not be used for permanent residential accommodation.

In accordance with policy TD1 of the Powys LDP, it is considered that the proposed development complements an existing tourist asset, without causing any harm to the enjoyment of that asset. In fact the provision of a utility block would be for the benefit of the existing tourist accommodation on offer at *68 Degrees West Glamping*. In light of the above, it is considered that the principle of development for a utility block is acceptable at this location.

Managers Rural Enterprise Dwelling:

Information accompanying the pre-application submission indicates that the proposal also includes the provision of a managers rural enterprise dwelling to aid with the running of the tourist business at *68 Degrees West Glamping*.

Paragraph 4.3.2 of Technical Advice Note 6 states the following;

“For the purpose of this technical advice note qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises. Development plans may include a broader definition of qualifying rural enterprises where this can be justified by specific local evidence”.

In light of the above definition of what constitutes a rural enterprise, it is considered the site is applicable. Given that the enterprise has only been established within the past year, the proposed suitability for a managers rural enterprise dwelling will be assessed against *part 4.6 New dwellings on new enterprises* of TAN 6;

“4.6 New dwellings on new enterprises

4.6.1 If it is considered that a new dwelling will be essential to support a new rural enterprise, it should satisfy the following criteria:

- a. clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions);*
- b. clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available;*
- c. clear evidence that the proposed enterprise has been planned on a sound financial basis;*

- d. there is a clearly established functional need and that need relates to a full-time worker, and does not relate to a part-time requirement;*
- e. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and*
- f. other normal planning requirements, for example siting and access, are satisfied”.*

Policy SP6 of the Powys Local Development Plan states that residential development proposals in the open countryside will only be acceptable where they comply with PPW and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010). TAN 6 states that one of the few circumstances where residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. This includes tourism and leisure enterprises such as *68 Degrees West Glamping*. The proposal must satisfy both a functional test, to prove that the enterprise requires a worker to be readily available at most times, and a financial test, to establish the enterprise is economically viable. The Council must also be satisfied that there is no other existing building suitable for conversion on the enterprise or a dwelling within the locality that could meet the identified functional need. In addition, a time test must be satisfied in order to establish the number of workers required in order to meet the functional need once established.

As stated above, the proposed development would need to meet the functional test, time test, financial test and other dwelling test as set out in Technical Advice Note 6 in order for the principle of development for a rural enterprise dwelling to be established. Below are the requirements within TAN 6 that need to be met relating to the above tests;

“4.8 Functional test

4.8.1 A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.

4.9 Time test

4.9.1 If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-

time worker. With the exception of second dwellings on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise. If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependents last employed in a rural enterprise. (See exceptions at paragraphs 4.5.1 - 4.5.3).

4.10 Financial test

4.10.1 The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years.

4.10.2 Evidence of actual or potential economic performance will be required. To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator^{23, 24}. A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.

4.10.3 There may be some cases in which the planning circumstances of the site are such that, if a new permanent dwelling is approved, it will be appropriate for the planning authority to consider making permission subject to a condition removing some of the permitted development rights for development within the curtilage of a dwelling house^{25, 26}. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the enterprise can sustain. However, such conditions should only restrict or remove the availability of such specific permitted development rights as are relevant to the circumstances, rather than to be drafted in terms which withdraw all those in a Class.

4.11 Other dwelling test

4.11.1 Evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need. If there are existing dwelling(s) on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling.

4.11.2 In cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the

recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of lack of need”.

In the event of a full application being submitted, detailed evidence should be submitted demonstrating the functional requirement for the need for 24 hour availability of a senior staff member within the grounds of the site. I would also ask that accounts are submitted for the business which demonstrates the business is financially sound and clear evidence is submitted which details how the enterprise has been planned on a sound financial basis. This should demonstrate that the business is currently profitable and has clear prospects of remaining economically sustainable for at least 5 years. In regard to the other dwelling test, I would ask that details of other properties in the surrounding area that have been considered are submitted and why these are not acceptable to fulfil the functional need of the enterprise.

In light of the above, subject to the above tests set out in TAN 6 being satisfied, it is considered that the principle of development for a managers rural enterprise dwelling at this location is fundamentally acceptable.

Scale

Welsh Government guidance advises that the size of the proposed dwelling should be related to the ability of the enterprise to fund and sustain a dwelling. The size of the dwelling should reflect the needs of the enterprise but with the extension of potential occupancy to those eligible for affordable housing, there should also be regard to this consideration.

The Local Authority's affordable housing policy and guidance restricts the floor space of proposed affordable homes to a maximum of 115 square metres in order to ensure they are affordable in nature and perpetuity. In addition, the restriction on the plot size to 1000 square metres (in rural settlements) is encouraged to assist in limiting the value of the eventual dwelling, and for the same reason, the scale of outbuildings is limited to 15sq.m.

Design

With respect to design specific reference is made to LDP policies DM13 (Part 1). This policy indicates that development proposals will only be permitted where it has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

The proposed development seeks to create a utility building and managers rural enterprise dwelling, however because no description of intended materials or elevation drawings have been submitted as part of the pre-application process, I am unable to offer further comments in regards to this. However, I note as part of the submission the intended location of both buildings. These locations are considered to be a sufficient

distance from the glamping and caravan areas and would not cause an unacceptable impact upon the surrounding landscape given the presence of trees to the north, east and west elevations, and intervening development to the immediate south of the site.

In respect to design any future application would need to submit materials that assimilate the proposed development in to its local setting and be of a scale and character that is not overbearing on the surrounding landscape or neighbouring properties, that is consistent with the affordability criteria given above.

Building Regulations

It is noted that for a development of this nature, it will be necessary to obtain Building Regulations approval and it advised that the Building Regulations team be contacted on 01874 612290

The link to the relevant page of the Powys website is attached below for information:

<http://www.powys.gov.uk/en/planning-building-control/apply-for-building-regulations-approval/>

Highway Safety

A safe access and parking are fundamental requirements of any development. In relation to highway safety specific reference is made to Local development Plan policies DM13 (Part 10) and T1. No formal response has been received from the Highways Officer at the time of writing this response.

Policy DM13 part 10 states that development should be designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon;

“Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.”

Policy T1 seeks to ensure that transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

- 1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making ‘Active Travel’ journeys by walking or cycling;*
- 2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,*

3. *Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.*

Policy T1 states that transport infrastructure improvements will be supported where they promote sustainable growth, maximise the efficiency and safety of the transport systems, improve public and private transport integration and encourage passenger and freight rail operations.

Consideration should be given to the policies above when considering the proposal as this will increase the vehicle movements from the existing farm access track.

Biodiversity

Comments Received from PCC – Ecology Officer 08/05/2019;

“I have reviewed the proposed plans and aerial images regarding the proposed development sites and surrounding habitats, as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 140 records of protected and priority species within 500m of the proposed developments – which included records of great crested newts. There are no statutory or non-statutory designated site present within 500m of the proposed development.

Preliminary Ecological Appraisal that must include assessment of impacts to

Great Crested Newts

Following the data search for local records of protected and priority species there are records of great crested newts approximately 237m of the proposed development. From reviewing the submitted proposed plans there appears to be a pond within 100m north west of the proposed developments.

Therefore, consideration has been given to the potential for the proposed development to impact great crested newts – great crested newts being a European protected species.

The proposed developments including the impacts to the hedgerow to create the new access has potential to impact great crested newts – in the loss of potential terrestrial habitat for this species and/or as the result of creation of a barrier to their dispersal to surrounding suitable habitat.

Great crested newts are European protected species the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure

that there will be no adverse impact on the favourable conservation status of the EPS. In order for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination of a planning application.

The three tests that must be satisfied are:

- 1. That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.*
- 2. That there is “no satisfactory alternative”*
- 3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”*

In order to address the 3rd test appropriate mitigation would need to be identified.

Details of ecological consultants working in Powys can be found at <https://cieem.net/i-need/finding-an-eem/professional-directory/> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

From reviewing aerial images of the habitats present and surrounding the proposed development sites, I would recommend an preliminary ecological appraisal to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species. In particular, the hedgerow boundary with scattered trees where the new access is proposed – may have features suitable to support roosting bats. Bat being European protected species.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, LDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

*Tree and Hedgerow Protection or Compensation/replacement Plan
Powys LDP Policy DM2 states that:*

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, make reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

LDP policy DM2 part 2 identified the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree or Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

If works or storage of material maybe taking place in close proximity of any trees, it is considered prudent to require information as to how these features of biodiversity importance will be protected during the construction period of works. This information can be provided within a Tree Protection Plan.

Landscaping plan

I have reviewed the additional planting proposed for this site – in principle at this stage I would consider the planting to be appropriate and acceptable.

A wildlife sensitive lighting plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. In principle, the lighting proposed appears to be acceptable and appropriate. However, adjustments may be recommended following an ecological survey of the site. I would also recommend that the locations of the lighting to be illustrated on submitted proposed plans.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommended that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;*
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;*
- Provision of wildlife friendly landscape planting.*

Should biodiversity enhancement measures such as the bird nesting boxes - be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Environmental Health

Comments Received from PCC – Environmental Health Officer 26/04/2019;

“I have looked at the above pre-planning application and would make the following comments:

- 1. Requirement to connect to an existing mains sewer*

Foul drainage should be connected to a public foul or combined sewer wherever this is reasonably practicable. For small developments, connection should be made to a public sewer where this is within 30m.

- 2. Non-mains foul drainage*

At the planning stage, Environmental Health will require the detail relating to the foul drainage arrangements for the development.

If they are utilising any current system I will require information relating to the capacity and condition of the tank and drainage field with confirmation that it is of suitable size to accommodate any additional foul effluent from the new development.

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

Land Contamination

Comments Received from PCC – Contaminated Land Officer 01/05/2019;

“In relation to pre-application consultation 19/0057/PRE, there would be no requirements in respect of land contamination”.

Conclusion

Having carefully considered the proposed development, the principle of development is considered to fundamentally comply with relevant planning policies. I would ask that careful consideration is given to all of the points raised above prior to the submission of any formal planning application.

When applying for planning permission this would be considered as a full application. I attach a link to the relevant application form below as well as guidance to consider when applying. The fee for this application will be £760.

Application Form:

http://ecab.planningportal.co.uk/uploads/appPDF/T6850Form004_wales_en.pdf

Guidance:

http://ecab.planningportal.co.uk/uploads/appPDF/Help004_wales_en.pdf

I trust the above is of assistance. Should you require any further information, please do not hesitate to contact me.

Yours faithfully,

Rhys Evans
Planning Officer
Powys County Council

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/Correspondence welcomed in Welsh and English

Data Protection and Privacy / Diogelu Data a Chyfrinachedd

In order to deliver the Planning Service (applications, complaints and appeals etc.) it is necessary for the council to process personal data, in accordance with relevant planning legislation, as listed on the Welsh Governments planning website (<https://gov.wales/topics/planning/?lang=en>). Information held by the Planning Service will be retained in accordance with the legislation and the Councils retention schedule. If you have any concerns regarding the use of your personal data please contact the Data Protection Officer by email at Information.Compliance@powys.gov.uk or by phone at 01597 826400. Please note that further information on the Data Protection and Privacy can be found at the following address: <https://en.powys.gov.uk/privacy>.

Er mwyn cyflawni ceisiadau, cwynion ac apeliadau'r Gwasanaeth Cynllunio mae angen i'r cyngor brosesu data personol yn unol â'r ddeddfwriaeth gynllunio berthnasol, sydd i'w weld ar wefan gynllunio Llywodraeth Cymru (<https://gov.wales/topics/planning/?skip=1&lang=cy>). Bydd y Gwasanaeth Cynllunio'n cadw Gwybodaeth yn unol â'r ddeddfwriaeth ac amserlen cadw'r Cyngor. Os oes gennych bryderon am sut rydym yn defnyddio'ch data personol cysylltwch â'r Swyddog Diogelu Data trwy e-bost Information.Compliance@powys.gov.uk neu drwy ffonio 01597 826400. Cofiwch y gallwch gael hyd i fwy o wybodaeth am Ddiogelu Data a Chyfrinachedd trwy fynd i: <https://cy.powys.gov.uk/article/653/Defnyddio-Cwcis>.