

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2018/0101 **Grid Ref:** 317135.66 296165.09

Community Council: Llandyssil **Valid Date:** 18/01/2018 **Officer:** Gemma Bufton

Applicant: Mr Gareth Pugh, Upper Llegodig, Abermule, Montgomery, Powys, SY15 6JY.

Location: Upper Llegodig, Abermule, Montgomery, Powys, SY15 6JY.

Proposal: Full: Erection of an agricultural building and all associated works

Application Type: Application for Full Planning Permission

The reason for Committee determination

The applicant is a County Councillor.

Site Location and Description

The application site is located within the Community Council area of Llandyssil and Abermule and is located within the open countryside. The proposed location for the agricultural building is set back approximately 77 metres from the B4386 County Highway which runs to the east of the application site. The application site is then surrounded by agricultural fields with the nearest property being the residential dwelling in association with the proposed holding which is located directly south of the application site.

The proposal is for the erection of a steel portal framed building for general agricultural purposes. The structure will measure approximately 27.5 metres in length by 14 metres in width with a height of approximately 6 metres. It is to be finished with box profile sheeting and concrete walls and box profile sheeting roof, grey in colour.

Consultee Response

Abermule with Llandyssil Community Council-

Council discussed this application and had no objection to this application.

PCC Highways-

6th February 2018

The County Council as Highway Authority for the County Class II Highway, B4386

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application should be Deferred.

Reasons for Deferral

A full application such as this should include highway access details, such as the location, width, gradient of the proposed access along with the means of draining the access and the access visibility splays, these should all be shown on plan.

Furthermore, a full breakdown of current and proposed traffic movements for all vehicle types, associated with the development should be submitted for consideration.

The applicant is requested to submit revised drawings to address the above points for consideration.

Additional correspondence received 1st March 2018-

The County Council as Highway Authority for the County Class II Highway, B4386

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority have had a dialogue with the applicant in relation to likely movements that will result from the proposed development. In conclusion, the land currently is classed as agricultural and the application will therefore not result in a significant number of additional movements through the previously improved access.

On the above basis, the Highway Authority wish to remove their previous recommendation of deferral and do not wish to comment further on the application.

Wales & West Utilities-

You will note the presence of our intermediate / high pressure gas main(s) in proximity to your site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with wales & west utilities

We enclose an extract from our mains records of the area covered by your proposals. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). 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. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

The Wales & West Utilities High Pressure Network may be affected by your proposals and a copy of the information you have provided has been forwarded to Asset for their comment. They will then contact you as necessary. Please note, 7 days notice is required if you require a site visit from an Engineer.

Severn Trent-

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

NRW-

Thank you for consulting Natural Resources Wales (letter dated 25/01/2018) regarding the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

Protected Species

NRW has not considered European Protected Species (EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

Flood Risk

The application site lies within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be outside the 1% (1 in 100 year) but within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Severn, a designated main river.

Given the scale and nature of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development, where appropriate.

This may include ensuring mechanical and electrical equipment are sited above the locally determined extreme flood level and/or measures put in place to remove valuable equipment and livestock.

The landowner should sign up to the NRW Flood Warning service, if not done already. The applicant is advised to source flood level information for the River Severn via the NRW Data Distribution team. This may be required in order to address insurance related queries. To avoid any potential impact to third parties, we recommend that there should be no raising of ground levels in the vicinity of the proposed.

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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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.

CPAT-

Thank you for the consultation on this application. I can confirm that there are no archaeological implications for the proposed development at this location.

CADW-

Thank you for your letters of 25 January 2018 inviting our comments on the above planning applications.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG014 Cefn Bryntalch Mound & Bailey Castle. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government’s land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological

remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The scheduled monument MG014 Cefn Bryntalch Mound & Bailey Castle lies 275m to the east northeast; a motte and bailey castle formed by adapting a ridge-end position above the Severn to produce two enclosures. The site is covered in deciduous trees which extend as a belt of woodland to the west; this serves to screen the location of the proposed development from the monument. This reduced inter-visibility means the impact on the setting of the monument is not considered significant.

Environmental Health-

Environmental Protection has no objection to the application.

PCC Ecology-

Sources of Information:

No ecological information has been provided with the application. These observations are based on the documents and plans presented, an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The proposals involve the construction of an agricultural unit in an improved agricultural field, immediately to the north of the property. The proposed unit would be situated adjacent to a mature hedgerow, and would screen the building from views from a road that runs nearby. Access would be provided via a proposed track that runs through the garden towards the location of the proposed unit.

Summary of historical species records:

There are historical records of the following protected and priority species within 1km of the proposed development:

Badgers – The closest record is within 690m

Bat species— including but not restricted to Brown long-eared bat (494 m), Common Pipistrelle (641m) and Soprano Pipistrelle (789m)

Otter – The closest record is within 525m

Various bird species – including but not restricted to Peregrine (403m) and Barn owl (21m).

Hazel Dormice- 890m

Protected Species/Habitats:

The proposed construction work would make use of improved grassland. There are hedgerows and trees bounding the site which could be used by species such as bat for foraging and navigation, and also by common reptile species, such as common lizards and grass snake; but, the field boundaries appear to be unaffected by the proposed work, therefore, it is not considered likely that these species would be affected.

Should external lighting be required, I would recommend implementing a sensitive lighting plan in order to minimise the impact of new lighting on bats and any other nocturnal wildlife that may use the surrounding hedgerows. Details of any proposed lighting should be included in a lighting plan, which should be submitted to the LPA for approval prior to commencing the works.

There is a 2002 BIS record of a potential barn owl roosting site in the barn conversion at Upper Llegodig with indications of a possible breeding site. Recommendations at the time were made to seal off loft space and install a breeding box. No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting within 3 days of work commencing.

Priority and LBAP Species/Habitats:

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

There appear to be mature trees close to the construction footprint of the proposed access and building. I recommend that trees are retained where possible and their root protection areas protected during construction phase. A tree protection plan will be required by the LPA for approval prior to commencement of works.

Non-native Invasive Species:

Unknown

Designated Sites for Nature Conservation:

Considering the distance and nature of the proposal, no adverse impacts on the Montgomery Canal SAC and SSSI are anticipated as a result of the proposed works.

Further information required prior to determination of application:

It is assumed from the submitted plans that the proposed new access and agricultural building lie within 30m of the barn owl roost record within the barn conversion at Upper Llegodig although the agent may want to confirm the location of roost and whether the distance is less than 30m. Otherwise the recommended condition below for barn owls has been made to ensure legal compliance and guidance from the Barn Owl Trust.

Recommendations:

It is recommend that trees are retained and protected during the construction phase and a protection plan has been recommended. Should vegetation need to be removed, this should be undertaken outside the bird nesting season if possible, or immediately preceded by a check by an ecologist for active nests.

Recommended Conditions:

No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting within 3 days of work commencing.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting design 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 scheme details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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, ENV3 and ENV6 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.

Relevant UDP Policies:

SP3 Natural, Historic and Built Heritage

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 7: Protected Species

Public Response

No letters of public representation have received at the time of writing this report.

Principal Planning Constraints

Flood Zone

Officer Appraisal

National Policies

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 18 – Transport (2007)

Local Policies

Unitary Development Plan (March 2010)

SP3 Natural, Historic and Built Heritage
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
EC9 – Agricultural Development

Emerging Local Development Plan (2011-2026) (Binding Report received – yet to be adopted)

DM2- The Natural Environment
DM4- Landscape
DM5- Development and Flood Risk
DM13- Design and Resources
SP7- Safeguarding of Strategic Resources and Assets

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Principle of Development

The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effects on Powys landscape. Other planning considerations to take into account are design and building materials.

The proposed agricultural building will be located on grade 3a agricultural land which is considered to be good to moderate agricultural land.

In light of the above and given that the proposal is to support the running of the agricultural enterprise it is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy subject to the following:

Design

With respect to design specific reference is made to UDP policy GP1 and LDP policy DM13. This indicates that development proposals will only be permitted where the design, proportion, scale, materials and fenestration complements or enhances the character of the existing buildings and surrounding area.

Consent is sought for the erection of an agricultural building. The design of the proposed structure is considered to be consistent with buildings of this type and is deemed to be in keeping with the surrounding area; it is also considered to be of an appropriate scale relative to the holding. As such it is considered to be of an acceptable design in this setting.

The materials selected for this building, concrete and box profile sheeting to the walls and roof, are typical and practical for farming operations and assist in assimilating the building into its local setting. It is, therefore, considered that the selected materials are acceptable in their use at this location.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area. The Highway Authority has been consulted on the development and confirmed that they did not wish to comment on the application.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

With respect to biodiversity, specific reference is made to UDP policy ENV3 and LDP policy DM2; as such the PCC Ecologist and NRW was consulted with regard to this application.

The Ecologist reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. They also noted the distance between the proposed development and the Montgomery Canal SAC and SSSI, however after considering the distance and nature of the proposal, no adverse impacts were anticipated as a result of the proposed works. After consideration of the proposals it was deemed unlikely that the proposed development would have any negative impacts to biodiversity subject to the recommended conditions being attached to any grant of consent.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

Amenities enjoyed by occupiers of neighbouring properties

The proposed development is not considered to impact on any neighbouring properties due to the distance between and the natural landscaping and topography of the area. The nearest neighbouring residential dwelling is located at a distance of approximately 100 metres to the south of the development site which is situated with the existing holding dwelling (within the applicants ownership) in between the proposed development and therefore providing shielding from the proposed development.

Environmental Protection have been consulted and have confirmed that they have no objection to the proposed development.

In light of the above it is considered that the proposed development complies with relevant planning policy.

Flood Risk

The application site lies within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

NRW have been consulted and have confirmed that given the scale and nature of the proposed development (and in the absence of a flood consequence assessment), NRW consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development, where appropriate.

This may include ensuring mechanical and electrical equipment are sited above the locally determined extreme flood level and/or measures put in place to remove valuable equipment and livestock.

In light of the above an informative will therefore be attached to any grant of consent notifying the owner of the potential flood risks.

Scheduled Ancient Monument

The scheduled monument MG014 Cefn Bryntalch Mound & Bailey Castle lies 275m to the east northeast; a motte and bailey castle formed by adapting a ridge-end position above the Severn to produce two enclosures. The site is covered in deciduous trees which extend as a

belt of woodland to the west; this serves to screen the location of the proposed development from the monument.

Cadw have been consulted and have confirmed that this reduced inter-visibility means the impact on the setting of the monument is not considered significant.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

RECOMMENDATION

In light of the above and subject to appropriately worded conditions and informative it is considered that the proposed development can be managed to an acceptable level 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 (drawing no's: Proposed Elevations dated 27/09, Proposed Block Plan dated 27/09, Location Plan dated 15/01).
3. No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting within 3 days of work commencing.
4. No external lighting shall be installed unless a detailed external lighting design 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 scheme details.
5. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7, LDP policies DM2 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. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 and LDP Policy DM2 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.
5. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 and LDP Policy DM2 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

Flood Risk

Given the scale and nature of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development, where appropriate.

This may include ensuring mechanical and electrical equipment are sited above the locally determined extreme flood level and/or measures put in place to remove valuable equipment and livestock.

The landowner should sign up to the NRW Flood Warning service, if not done already. The applicant is advised to source flood level information for the River Severn via the NRW Data Distribution team. This may be required in order to address insurance related queries.

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