

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1453 **Grid Ref:** 308555.64, 278616.33

Community Council: Llanbadarn **Valid Date:** 15/12/2017 **Officer:** Bryn Pryce

Applicant: Mr James Powell, E A Powell & Sons, Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

Location: Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

Proposal: Full: Erection of an agricultural livestock building

Application Type: Application for Full Planning Permission

The reason for Committee determination

The applicant is married to a County Councillor.

Site Location and Description

This site is accessed via a private farm track off the U1301 unclassified highway. The site is located directly adjacent to an existing agricultural building on the main farm complex. The existing site is bound by an agricultural building to the east, hardstanding and access track to the south and agricultural land to the north and west.

This application seeks consent for the erection of an agricultural livestock building. The proposed building is to measure 60.9 metres in length, 15.2 metres in width, 5.5 metres in height to the eaves and 7.5 metres in height to the ridge. The building is to be of standard agricultural construction with concrete panel walls with gale breakers above and a roof clad in fibre cement sheeting in natural grey.

Consultee Response

Llanbadarn Fynydd CC

Correspondence received 25th Januray 2018

At the recent meeting of Llanbadarn Fynydd community council the councils were all in favour of the above proposal; important to help a local farming business go forward.

PCC Highways M

Correspondence received 4th January 2018

The County Council as Highway Authority for the County Unclassified Highway, U1301

Does not wish to comment on the application.

Wales & West Utilities

Correspondence received 9th January 2018

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.

Welsh Water

Correspondence received 29th December 2017

We have no comment to make regarding application reference P/2017/1453 as our assets will not be affected by the development.

Environmental Health

Correspondence received 10th January 2018

I have had a look at the details for the above application, I have noted there is a property (Dolafon) which is very close by which may be affected by noise and odour from the proposed development. Could the applicant / agent clarify the status of this property in relation to the farm please?

PCC Ecology

Correspondence received 7th February 2018

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 21 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

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

There are two statutory designated sites within 500m of the proposed development:

- River Ithon – SSSI
- River Wye – SAC

It appears from reviewing site photographs and OS maps that there is a 'ditch' located on the proposed development site. It is not clear from the information submitted the level of engineering operation that will be required to accommodate the proposed agricultural building. I recommend that before and after site level plans is submitted establish the extent of work required.

It is also not clear if the ditch at this location has been culverted – clarification of the exact location and routing of the 'ditch' will be required, as the identified 'ditch' on the proposed development site has potential to flow into the tributary of the River Wye SAC (River Ithon) which is located approximately 80m south of the proposed development.

Given the that the proposed development works will be impacting the existing ditch and the potential connection to the River Wye SAC it is considered that there is a potential for the proposed development to impact the River Wye SAC and that pollution from construction activities could result in a Significant Effect, it is therefore considered that to demonstrate that the proposed development would not result in a Likely Significant Effect the River Wye SAC and/or it's associated features a Pollution Prevention Plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site – this information is required to be submitted prior to determination of the application and to enable a Habitats Regulations Screening to be undertaken.

Therefore it is considered that further information is required to enable the LPA to assess the potential impacts of the proposed development the River Wye SAC – A European Designated Site – in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). This information is required to be submitted prior to any further works of the development.

It is recommended that the identified Pollution Prevention Plan refers to guidance identified in to the Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents 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/>

External Lighting:

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. A wildlife sensitive lighting plan could be secured through a planning condition, however as further information has been requested prior of determination of the application submission of these details at this stage would avoid the need for a pre-commencement condition requiring this information.

Landscaping:

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed

Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

A Landscaping Plan could be secured through a planning condition, however as further information has been requested prior of determination of the application submission of these details at this stage would avoid the need for a pre-commencement condition requiring this information.

Correspondence received 18th July 2018

Further to my previous response regarding planning application P/2017/1453 dated 7th February 2018. A Pollution Prevention Plan has been submitted to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to the River Wye SAC.

The proposed development required diversion of a ditch/stream that runs to a tributary of the River Ithon as well as large excavation in order to site the agricultural building. The River Ithon is designated as part of the River Wye SAC - as such the potential for the proposed development to impact the River Wye SAC during the construction and operation phases of the development and likelihood to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

I have reviewed the submitted the pollution prevention plan dated (on planning portal) as 4th July 2018 –I consider the pollution prevention plan to be appropriate and acceptable. I do recommend that the pollution prevention plan is secured through an appropriately worded condition.

It has been clarified by yourself and the applicant via email (dated 12 July 2018) that the stream/ditch that is proposed to be diverted is *very seldom any water running only in times of heavy rainfall*. And that the proposed works will be *carried out in a dry time to eliminate any chance of pollution and reducing any impact of travelling, soil disruption/movement*.

Having reviewed the Method Statement and Pollution Prevention Plan submitted it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and/or it's associated features – I have attached a copy of the Screening Assessment for your records.

Therefore further to my previous response dated 7th February 2018 should you be minded to approve the application I recommend inclusion of the following conditions:

The Method Statement and Pollution Prevention Plan for Planning Application P/2017/1453 dated 04 July 2017 (planning portal) shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's 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.

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 approved details.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 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.

NRW

Correspondence received 22nd January 2018

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 28/12/2017.

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

New Housing for Livestock

Under the Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 (SSAFO) any slurry produced must be contained. This will include any liquid arising from solid manures and any liquid produced if feeding cattle on the hard standing as this is classified as slurry under the SSAFO Regulations.

If any arising slurry is being directed to an existing store the applicant must ensure there is sufficient capacity to allow for the required minimum 4 months' storage.

The SSAFO Regulations 2010 require all installations to be constructed to set standards with a durability life of at least 20 years. Installations for storing and/or making slurry and silage must not be constructed within 10 metres of any inland freshwater or coastal water.

Further information on the requirements of the SSAFO Regulations is contained within Welsh Government's SSAFO Guidance Notes for Farmers. This can be viewed at <http://wales.gov.uk/topics/environmentcountryside/farmingandcountryside/farmcountrypublicationindex/ssafowalesregs2010/?lang=en>

We would advise the applicant that Natural Resources Wales must be notified in writing at least 14 days before bringing any new or substantially altered or enlarged silage or slurry store into use. It is a legal requirement to submit this information prior to using the new structure. A form (WQE3) is available from our website at: <http://www.naturalresources.wales/farming/good-farming-practice/?lang=en> (please scroll to the bottom of the page)

Representations

A public site notice was erected at the site on 11th January 2018. No third party representations have been received by Development Management at the time of writing this report.

Planning History

AGRI/2011/0101 – Erection of agricultural building to house livestock. Permitted Development

AGRI/2017/0101- Erection of livestock building. Permitted Development

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) 18: Transport (2017)

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

Local Policies

Powys County Council Local Development Plan 2018

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local 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

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 DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed agricultural building is to measure 60.9 metres in length, 15.2 metres in width, 5.5 metres in height to the eaves and 7.5 metres in height to the ridge. The building is to be of standard agricultural construction with concrete panel walls with gale breakers above and a roof clad in fibre cement sheeting in natural grey. The proposed building is to be sited directly adjacent to an existing agricultural building and is considered to be an acceptable location for the development. The proposed building is considered to be of an acceptable design, scale, height, massing and materials that are considered to complement and enhance the character and appearance of the surrounding buildings and of the local area.

As part of this application process Environmental Health Officers have been consulted who initially raised concerns over the proximity of the proposed livestock building to the dwelling known as 'Dolafon' to the north east of the site. The applicant has confirmed that this dwelling is within the ownership of the rural enterprise and is restricted as an agricultural workers dwelling. Officers do not have concerns over potential impacts upon third party neighbouring properties as a result of the proposal.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed agricultural building is in accordance with planning policy. Officers consider that the proposed agricultural building is in accordance with policies SP7, DM2, DM4, DM7 and DM13 of the Powys Local Development Plan.

Highways Safety and Movement

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

As part of this application process the highways authority have been consulted and they did not wish to comment on the application. Officers consider that the proposed development will not result in a significant increase in the volume of traffic entering and leaving the site and the proposed development would not have an unacceptable impact upon highways safety

In light of the highways officer's comments, officers consider that the proposed development is in accordance with planning policy, particularly policy T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Landscape Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicate that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

The proposed site is located within the valley slopes, west Ithon aspect area which is characterised as a single area that is an important component of attractive views from busy A483 in valley. Moderately sloping valley sides & shoulders forming a transition zone between upland moor & hills and valley floor, with a mixture of semi-natural rough grassland, wetland, improved & traditional pastures, scattered scrub, woodland & trees, and some craggy parts. LANDMAP recognises its scenic quality as High with its rarity being moderate. Its overall visual and sensory evaluation is considered to be moderate.

The proposed building is sited directly adjacent to existing farm buildings on the main farm complex and will be well screened from the wider landscape by the existing buildings and topography of the land to the west. The proposed building is designed so as to complement and enhance the character and appearance of the existing buildings and of the surrounding area whilst not having an unacceptable adverse impact upon the wider landscape. Officers consider that the proposed siting and scale of the agricultural building will not have an unacceptable adverse impact upon the wider landscape.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. Officers consider that the agricultural building is in accordance with policies SP7, DM2, DM4, DM7 and DM13 of the Powys Local Development Plan.

Lighting

Policy DM7 of the Powys Local Development Plan seeks to ensure that development proposals that include lighting as part of the scheme do not have an unacceptable level of light pollution in the countryside, adverse effect upon the visibility of the night sky, nuisance or hazard to highway users or an unacceptable disturbance to protected species.

As part of this application process the ecologist has been consulted and has suggested that a lighting condition to secure a lighting scheme for any external lighting to be installed be secured via condition. Officers consider that the suggested condition is reasonable and will be included on any grant of consent.

In light of the above, it is considered that it is appropriate to include the suggested condition upon any grant of consent to secure further details of any lighting to be installed. Officers are satisfied that the proposed development complies with policy DM7 of the Powys Local Development Plan.

Ecology and Biodiversity

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

As part of this application process the county ecologist was consulted. Initially further details were sought in respect of a pollution prevention plan and also details of how the existing culvert and ditch were to be diverted as part of this proposal. The additional information has been supplied and the ecologist has raised no objections to the proposed development subject to conditions securing the implementation of the pollution prevention plan and a lighting condition to secure details of any proposed external lighting. NRW have been consulted on the proposal and have raised no objections to the scheme.

Due to the proximity of the proposed development to the River Wye SAC a habitats regulations assessment has been carried out for the proposal by our ecologist. The assessment concludes that there is not likely to be any significant effects on the SAC as a result of the proposed development.

In light of the above and subject to the imposition of conditions suggested by the County Ecologist, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

RECOMMENDATION

The recommendation is one of conditional consent subject to the conditions as set out below.

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 11th December 2017 (drawing no's: JP/02, EAP/03) plans received 20th March 2018 (drawing no's: JP/04, JP/05) and amended plans received 8th May 2018 (drawing no's: EAP/01).
3. The Method Statement and Pollution Prevention Plan for Planning Application P/2017/1453 dated 04 July 2017 (planning portal) shall be adhered to and implemented in full.
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 approved details.

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 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.
4. To comply with Powys County Council's LDP Policies DM2, DM7 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.

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