

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0466	Grid Ref:	308738.42 301309.17
Community Council:	Dwyriw	Valid Date:	Officer: 02/05/2018 Holly-ann Hobbs
Applicant:	Mr & Mrs Jerman, G & H Jerman, Tyn yr Wtra, Llanwyddelan, New Mills, Newtown, Powys, SY16 3BT.		
Location:	Tyn Yr Wtra, Llanwyddelan, Newtown, Powys, SY16 3BT.		
Proposal:	Full: Erection of an egg laying unit, creation of vehicular access and all associated works		
Application Type:	Application for Full Planning Permission		

REPORT UPDATE

Third Party Representations

Following publication of the Committee report, Members are advised that additional third party representations have been received by Development Management. These can be summarised as follows;

One letter of objection;

- Odour impact resulting from the building and storage of manure;
- Noise impact resulting from the proposed poultry unit;
- Flies;
- Ammonia levels;
- Impact on the quality of life of local residents;
- Impact on the value of existing properties;

Fourteen letters of support;

- Support a long standing family enterprise to progress;
- Support younger generations through diversification.

Principal Planning Policies

National Planning Policies

Planning Policy Wales (2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)
Technical Advice Note 13 – Tourism (2007)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 - The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Local Planning Policies

Powys Local Development Plan (April 2018)

SP7 - Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM6 – Flood Prevention and Land Drainage
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
DM14 – Air Quality Management
E2- Employment Proposals on Non-allocated Employment Sites
E6 – Farm Diversification
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

Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Appraisal

Principle of Development

Planning Policy Wales confirms that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

Policy E2 of the Powys Local Development Plan together with Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

The submitted Design and Access statement indicates that the applicants are hoping to expand their existing beef and sheep enterprise and develop a free range poultry unit in an effort to introduce a new income stream, supporting the existing farm financially and also provide opportunities for younger members of the family.

On the basis of the above and in considering LDP policy E2, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

RECOMMENDATION

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. As such, the recommendation is one of consent subject to the conditions detailed 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 approved plans and documents (drawing no's: GD-MZ213-01 dated 07/06/2018, GD-MZ213-02 dated 02/05/2018, GD-MZ213-03 dated 07/06/2018, GD-GHJ-03 dated 07/06/2018 and GD-MZ213-06 dated 08/06/2018 and documents; Design, Access and Planning Statement, Dust Management Plan dated June 2018, Manure Management Plan - Rev C and Method Statement Pollution Prevention).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
5. Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 20 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

8. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 60 metres distant in a westerly direction and 120 metres distant in a easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
9. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
10. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
13. Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
14. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
15. Prior to the commencement of the development the field gate located immediately west of the proposed access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
16. Upon formation of the visibility splays as detailed in condition 8 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
17. No surface water drainage from the site shall be allowed to discharge onto the county highway.

18. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.
19. 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.
20. The development hereby permitted shall be undertaken strictly in accordance with the Method Statement Pollution Prevention Plan received by Development Management on 2nd May 2018.
21. The development hereby permitted shall be undertaken strictly in accordance with the Manure Management Plan Revision C received by Development Management on 13th July 2018.
22. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. This shall include sections across the proposed access and track. The development shall be carried out in accordance with the approved details.
23. Prior to the commencement of development, a hedgerow compensation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the hedgerow compensation plan as approved.
24. Prior to the commencement of development, a ranging area hedgerow protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the ranging area hedgerow protection plan as approved.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
5. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
6. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

7. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
8. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
9. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
10. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
11. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
12. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
13. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
14. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
15. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
16. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
17. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
18. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
20. To comply with Powys County Council's LDP Policies DM2 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
21. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

22. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
23. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
24. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

