

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0506/FUL

Grid Ref: E: 314095
N: 261613

Community Council: Penybont Community

Valid Date: 04.04.2019

Applicant: Mr Eddie McIntosh

Location: Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF

Proposal: Erection of five agricultural buildings and associated works (retrospective)

Application Type: Full Application

REPORT UPDATE

This report forms an update to the Officers recommendation previously circulated to Members.

Consultee Responses

Environmental Health

1st July 2019

Thank you for the additional information. In light of this I have no objection to the application.

Ecologist

3rd July 2019

Thank you for consulting me with regards to planning application 19/0506/FUL which concerns a Retrospective application for the erection of five agricultural buildings and associated works at Mellowcroft, Llandegley, Llandrindod Wells Powys.

I have reviewed the submitted information which includes details of the structures included in the current application as well as details of waste management in relation to the use of composting toilets and foul water etc.

Having reviewed the nature of the proposed development which is retrospective in nature and taking into account my knowledge of the site in light of previous applications it is considered that the proposals outlined in the current application would not result in negative impacts to or loss of biodiversity at the site or in the wider environment.

I therefore do not have any objections to the proposed development with regards to biodiversity matters.

Should you be minded to approve the application I recommend that a condition is included to secure adherence to the submitted Waste Management Plan, in addition given the rural location of the site I recommend that a condition is included to ensure that any external lighting installed on the agricultural buildings is appropriate and would not result in negative impacts to biodiversity including any wildlife foraging or commuting in the local area, suitable wording for such a condition is detailed below

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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

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

Officer Appraisal

Environmental Health

The application site includes a composting toilet to facilitate any workers on the Land. Environmental Health have been consulted and whilst they consider the use of composting toilets to be acceptable in principle they currently had insufficient information in relation to the management of the waste and its storage.

Additional information was provided in respect of the compost toilet facilities which also indicated an area for the spreading of the compost. The Environmental Health officer was re-consulted on the additional information and confirmed that they have no objection to the proposed development.

In light of the above and subject to a conditions ensuring the management of the waste in line with the details as submitted the proposed development fundamentally complies with relevant planning policy.

Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The Powys Ecologist has been consulted and has confirmed that the current application as proposed would not result in negative impacts to or loss of biodiversity at the site or in the wider environment and therefore does not have any objections to the proposed development with regards to biodiversity matters.

The Ecologist however recommended that should consent be granted a condition is attached to any grant of consent to ensure adherence to the submitted Waste Management Plan and in addition given the rural location of the site recommended that a condition is included to ensure that any external lighting installed on the agricultural buildings are appropriate and would not result in negative impacts to biodiversity including any wildlife foraging or commuting in the local area.

In light of the above and subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

RECOMMENDATION

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

1 The development hereby being retrospective shall take effect from the date of issuing of the decision notice.

2 The development shall be carried out in accordance with the following approved plans and documents A01(A), A02(A), A03, A04, A05, A06, A07, A08, A09, Waste Water and Foul Drainage Statement and Compost Toilets Design Statement.

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 agricultural buildings shall be erected without the consent of the Local Planning Authority.

4 The buildings hereby approved shall be used for agricultural purposes or in connection with any use incidental to that use only.

5 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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). 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 approved plans 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 DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).

4. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

5. To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative

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