

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 24/1628/FUL

Grid Ref: E: 309007
N: 306393

Community Council: Llanfair Caereinion
Community

Valid Date: 15.11.2024

Applicant: SM & GD Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU.

Proposal: Erection of an agricultural building for manure storage

Application Type: Full Application

The reason for Committee determination

The applicant is a Powys County Council Councillor.

Consultee Responses

Consultee

Received

Community Council

29th Nov 2024

Community Council made comments in support of the Planning Application

Natural Resources Wales (Mid Wales) DPAS

28th Nov 2024

We have no objection to the proposed development as submitted and provide the following advice.

Manure Stores

We understand the development is for a new shed for dry manure storage and won't result in an increase in stock. Any organic manure (other than slurry) must be stored in a vessel; in a covered building; on an impermeable surface; or in a free-standing temporary field heap to meet the requirements of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR).

Under the CoAPR, anyone who intends to spread organic manure on the holding must produce and maintain a risk map which highlights the areas on which spreading may cause

pollution, including buffer zones and surface waters. Sites suitable for field heaps should be marked if manure is to be stored in temporary field heaps.

Any slurry (as defined under CoAPR) generated must be stored in compliance with the construction and capacity requirements in CoAPR.

All manure (and/or slurry) produced should be stored and used in compliance with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, Natural Resources Wales / How to use manures and slurries appropriately and Code of Good Agricultural Practice guidance.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Hafren Dyfrdwy

2nd Dec 2024

As the proposal has no 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.

Asset Protection having no comment / no objection to an application does not mean there will be no comment from HD; I have passed this application onto the Catchment Team within HD, who will respond directly to yourselves if they have any comments they wish for you to take into consideration.

IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality

PCC-(N) Highways

20th Nov 2024

Wish the following recommendations/Observations be applied

Recommendations/Observations

Based on the information submitted, the HA is satisfied that the development will have no detrimental impact on the highway network and as such, it has no objection to the proposal, nor does it recommend any highway related conditions.

Environmental Protection

21st Nov 2024

Could the agent confirm the location of any private water supplies within 200m of the proposed manure store.

Environmental Protection

10th Jan 2025

Following receipt of the additional information from the agent regarding private water supplies I have no objection to the application.

Representations

A site notice was displayed on 12th December 2024. At the time of writing this report, no third party representations have been received by Development Management for the application.

Planning History

App Ref	Description	Decision	Date
AGRI/2012/0141	Erection of an agricultural building	Planning Permission Not Needed	30th Nov 2012
21/1516/FUL	Demolition of existing agricultural building and replacement with a new dry manure store	Approve	8th Oct 2021

Principal Planning Constraints

Open Countryside
Ancient Woodland

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 12, February 2024)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026

SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998
 Equality Act 2010
 Planning (Wales) Act 2015 (Welsh language)
 Wellbeing of Future Generations (Wales) Act 2015
 Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Llanfair Caereinion. It is situated outside of any settlement development boundary and is within the open countryside, as defined by SP5 of the Powys Local Development Plan (2018).

The development site is located within an existing farm holding to the south west of existing agricultural buildings. Access to the site is provided from the U2366 to the north east.

The application is seeking consent for the erection of an agricultural building for manure storage. The building is required to meet current guidance and legislation for controlling pollution.

Principle of Development

Relevant Policies: National Policy TAN 6 and LDP Policy DM13

The proposed development is for the construction of a new agricultural building, measuring approximately 36.6m long by 12.2m wide, with a pitched roof with an overall height of 9.1m. It will consist of concrete panel walls, with metal profiled cladding above and a fibre cement roof covering. The north eastern elevation would remain open.

The proposed design is typical of modern agricultural buildings and it would correspond with the materials and agricultural appearance of existing adjacent structures on the farm. The proposed building is considered to be of a suitable scale, height and massing with materials appropriate for an agricultural building at this location.

In light of the above, it is considered that the principle of development complies with relevant policies, subject to the following considerations:

Amenity

Relevant Policies: LDP Policy DM13 (11)

The proposal is to provide a new agricultural building for the storage of dry manure. It is confirmed in the Planning Statement that the development would not result in an increase in livestock numbers or manure on the holding. As such, it is considered that the development is not likely to have a greater detrimental impact on amenity, such as nuisance noise or smells, than compared with existing. Environmental Protection and Natural Resources Wales have been consulted on the application and have raised no objection. A condition to ensure the building is used as a manure store only is recommended within any grant of consent to safeguard the amenity of the area.

It is therefore considered that the proposed development complies with relevant planning policies.

Highways

Relevant Policies: LDP Policies DM13 (10), T1 and National Policy TAN 18

The development does not impact the existing access to the farm holding from the U2366. The Highway Authority have been consulted on this application and have raised no objection, nor recommended conditions for the proposal. It is considered that the development would not result in a detrimental impact to the local highway network and would comply with relevant planning policies.

Landscape

Relevant Policies: LDP Policy DM4

According to NRW's LANDMAP, the application site is located within an area of high visual and sensory value, defined as *"an important farmed landscape that relies on traditional and extensive farming practices to maintain its character."*

The proposed development site is located within an established farm and will be sited approximately 15m to the west of existing agricultural buildings. As such, the proposal would form part of the grouping of buildings already present within the landscape. The site is not readily visible from the county highway or nearest neighbouring properties due to the area's topography, intervening buildings and mature landscaping. Therefore, it is considered that the erection of this additional agricultural structure would not detrimentally impact the landscape as viewed from the nearest vantage points.

Given the above, it is considered that the proposed development would not adversely affect the character of the landscape as defined by LANDMAP and the proposed development is considered to comply with relevant planning policy.

Ecology

Relevant Policies: LDP Policy DM2, DM7 and National Policy TAN 5

The proposed development is to provide a new agricultural building sited in part on an existing hardstanding area in use on the holding and in part on predictive Grade 4 farmed grassland. A Green Infrastructure Statement has been provided with the application which confirms that the proposal would not impact existing green infrastructure on the site.

- *Protected Species*

It is noted that there are several ponds within vicinity of the application site. Given the location of the proposed shed predominately on an area of hardstanding and its proximity to the farmyard hardstanding it is not considered that the proposal would result in the loss of any habitat suitable for great crested newts. However, due to the proximity of the ponds to the site it is recommended that a condition be attached seeking reasonable avoidance measures during the construction phase to ensure temporary exclusion fencing and other mitigation measures are implemented prior to the commencement of works.

Subject to the recommended condition it is considered that great crested newts and their habitats would be appropriately protected.

- *Biodiversity Enhancement*

Biodiversity measures have been provided and are detailed on Drawing No 75394/GD/004. These consist of two Woodcrete bat boxes and one bird box to be installed on trees to the north of the site. Given the scale of the development, it is considered that the proposed measures are appropriate. A condition will be included within any grant of consent to secure the implementation of these measures.

Due to rural nature of the site which may support wildlife suitable habitats within the surrounding area, a restrictive external lighting condition shall be included to prevent any potential impact to wildlife.

- *Ancient Woodland*

The site is located approximately 200m to the south of areas of Ancient Woodland. Given the distance of the site from these areas, it is considered that the proposal would not detrimentally impact them.

Given the above, it is considered that the proposed development complies with relevant planning policy.

Drainage

Drawing No. 75394/GD/102 provides a drainage plan, which shows that dirty water would be channelled to an underground 50 000L effluent tank. Clean water run off from the roof will be directed to a 1000L IBC tank on the north west elevation. Since the construction area is greater than 100m² SAB approval would be required, which is a subject to a separate consenting process. The applicant should be aware that, if required, plans may need to be revised through a future application to accommodate a SAB compliant scheme.

RECOMMENDATION

Given the above considerations, it is therefore considered that the proposed development does fundamentally comply with relevant national and local planning policies. The recommendation is one of conditional consent.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application Form
 - Location Plan: Drawing No. 75394/GD/001
 - Existing Block Plan: Drawing No. 75394/GD/002
 - Proposed Block Plan: Drawing No. 75394/GD/003
 - Proposed Plan: Drawing No. 75394/GD/100
 - Existing Elevations: Drawing No. 79796/GH/101
 - Proposed Elevations: Drawing No. 75394/GD/101
 - Drainage Plan: Drawing No. 75394/GD/102
 - Biodiversity Enhancement Plan: Drawing No. 75394/GD/004
 - Green Infrastructure Statement, uploaded 8th November 2024
 - Planning Statement v2, dated November 2024
3. Prior to commencement of development (including ground works and vegetation clearance), a Reasonable Avoidance Measures Method Statement for Great Crested Newts shall be submitted to the Local Planning Authority and approved in writing. The approved measures shall be adhered to and implemented in full.
4. Prior to the first use of the development hereby approved, the biodiversity enhancements as detailed on Drawing No. 75394/GD/004 shall be fully completed and shall remain as such in perpetuity.
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 08/23 Bats and Artificial Lighting at Night (2023) (or its replacement). The development shall be carried out in accordance with the approved details.

6. The development hereby approved shall be used as a manure store only and shall not be used for any other purpose.

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. To comply with Policy DM2 of the Powys County Council's Local Development Plan (2018) and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Powys County Council's Local Development Plan Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To comply with Powys County Council's Local Development Plan Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. In order to safeguard amenity in accordance with Policy DM13 of the Powys Local Development Plan (2018).

Informatives

Land Drainage

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

Alternatively, please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

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