

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 18/1053/AGR

**Grid Ref:** E: 315759  
N: 301953

**Community Council:** Berriew Community

**Valid Date:** 11.12.2018

**Applicant:** Mr D Davies

**Location:** Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

**Proposal:** Erection of an agricultural building

**Application Type:** Agricultural Notification

### The reason for Committee determination

The applicant for this application is a county councillor.

### Site Location and Description

Maes Y Nant is located approximately 2 miles north west of Berriew. The site subject to this application is detached from the main farm complex which is located approximately 470 metres to the south east. Access to the site is provided directly off the U2418 unclassified highway.

This application proposes the erection of an agricultural building. The application has previously been considered by Members, where it was determined that the prior approval of the Local Planning Authority was required in accordance with Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 given the proposed siting of the building.

Subsequent to this determination, a site notice was displayed by the applicant and consultation undertaken by Development Management. This report now considers the merits of the proposed agricultural development in accordance with the relevant planning policy and is informed by consultee advice.

### Consultee Responses

#### Consultee

#### Received

Community Council

13th Jan 2019

The Council supports the application.

Highway Authority

3rd Jan 2019

Does not wish to comment on the application

Environmental Health

9th Jan 2019

I have no objection to the application.

Hafren Dyfrdwy

17th Dec 2018

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 APPlanning@hdcymru.co.uk rather than to named individuals, including the HD ref within the email/subject.

If you would like a copy of this in Welsh, please let us know.

Kind regards,

Asset Protection Team

Severn Trent

APPlanning@hdcymru.co.uk

Powys Ecologist

8th Jan 2019

Thank you for consulting me with regards to planning application 18/1053/AGR which concerns an application for the erection of an agricultural building at Maes y Nant, Berriew, Welshpool.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 42 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include pipistrelle bat, badger, otter and slow-worm.

No statutory designated sites were identified within 500m of the proposed development.

One non-statutory designated site was identified within 500m of the proposed development;

- o Gilfach Wood Road Verge Nature Reserve approximately 200m from the proposed development

Having taken into account the location of the road verge nature reserve in relation to the proposed development and the nature of the works proposed it is considered that there would be no likely negative impacts directly or indirectly to the designated site and/or its associated features.

The proposed development is located in an agricultural field and is likely to impact areas of improved grassland which is a habitat considered to be of relatively low ecological value.

Given the nature of the habitats present and affected by the proposed development it is considered that the site affected has very limited potential to support protected or priority species, no features of significant importance for biodiversity would be lost as a result of the proposed development. It is therefore considered that the proposed development will not result in any loss of biodiversity.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected as part of the proposed development. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Subject to inclusion of the recommended condition it is considered that the proposed development would not result in any negative impacts to biodiversity at the site or in the wider environment.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

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 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.

## Representations

A public site notice was erected at the site on the 12<sup>th</sup> December 2018. No third party responses have been received by Development Management at the time of writing this report.

## Principal Planning Policies

| Policy | Policy Description                                | Year | Local Plan                       |
|--------|---|------|----------------------------------|
| PPW    | Planning Policy Wales (Edition 10, December 2018) |      | National Policy                  |
| TAN5   | Nature Conservation and Planning                  |      | National Policy                  |
| TAN6   | Planning for Sustainable Rural Community          |      | National Policy                  |
| TAN12  | Design  |      | National Policy                  |
| TAN23  | Economic Development                              |      | National Policy                  |
| 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 |
| E2   | Employment Proposals on Non-allocated Employment Sites | Local Development Plan 2011-2026 |
| T1   | Travel, Traffic and Transport Infrastructure           | Local Development Plan 2011-2026 |

Powys County Council – Supplementary Planning Guidance – Landscape – Adopted April 2019

Powys County Council – Supplementary Planning Guidance – Biodiversity and Geodiversity – Adopted October 2018

### **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

Planning Policy Wales confirms that local planning authorities should adopt a constructive approach towards agricultural development proposals. Technical Advice Notes 6 and 23 also accept the principle of appropriate agricultural development within the open countryside.

The proposed development includes the erection of an agricultural building which is required to support the existing agricultural enterprise. On reviewing the proposed development, Officers consider the principle of development to be acceptable.

#### Landscape Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates 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. Powys County Council's Landscape SPG indicates that agricultural development where the floor area does not exceed 1000 square metres are less likely to have significant landscape impacts outside of settlements. Thereafter, the guidance identifies points to consider when determining applications for agricultural buildings including cumulative impact, viewpoints, skylines, profile, colour, materials, grouping and planting.

The application site is located within the Rhiw aspect area which is characterised as a distinctive upland area within a wider lowland valley. Different form and character justifies a separate aspect area. LANDMAP considers its scenic quality to be moderate with its rarity being moderate. Its overall visual and sensory evaluation is considered to be moderate.

The site is located on agricultural land which is accessed directly off the U2418 unclassified highway via an existing access. The proposed building is detached from the main farm complex which is located some 470 metres to the south east. The site is generally flat with the surrounding land gently sloping to the north and east. The western field boundary is bound by a mature hedgerow adjacent to the unclassified highway.

The proposed building measures approximately 18.3 metres in length, 9.14 metres in width and 5.65 metres in height to the ridge. The proposed building is to be of standard agricultural construction with steel portal frame, concrete panel walls and roof clad in green tin sheeting.

Whilst Officers acknowledge that the proposed building is detached from existing agricultural buildings, given the profile of the building, orientation and appearance, it is not considered that the proposal will unacceptably adversely affect the character and appearance of the surrounding area.

Notwithstanding the above, in order to enhance the integration of the building within the application site, it is recommended that a landscaping condition be attached to any planning permission granted. It is considered that additional planting to the north and west of the proposed building would offer natural screening whilst providing a backdrop for the proposed structure, reducing its visual impact and supporting the assimilation within the landscape.

The profile of the building is relatively low measuring approximately 5.6 metres to the ridge with a shallow pitched roof and is of a colour, and materials designed to complement and enhance the character and appearance of the surrounding area.

Having carefully considered the proposed development, despite the isolated siting, it is considered that the proposal is fundamentally acceptable in respect of design, scale,

height, massing and materials and therefore will complement and enhance the character and appearance of the local area. Officers therefore consider that the agricultural building is in accordance with policies SP7, DM2, DM4, DM7 and DM13 of the Powys Local Development Plan.

### Amenity

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.

As part of this application process Environmental Health Officers have been consulted, and raised no objection to the application in respect of noise, odour or impact upon amenity of neighbouring properties. Officers are satisfied that the proposed development will not have an unacceptable adverse 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.

In light of the above observations, 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 policy DM13 of the Powys Local Development Plan.

### Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 state 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 County Highway Authority has been consulted and did not wish to comment on the application. Officers consider that the proposed development will not result in an unacceptable increase in the volume of traffic entering and leaving the site and therefore would not adversely affect highway safety.

In light of the Highway Officer's comments, Officers consider that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

### Ecology and Biodiversity

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or

designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

The County Ecologist has been consulted and raised no objection to the proposed development subject to the imposition of a condition requiring an external lighting scheme to be provided where appropriate. Officers consider given the nature of the proposed scheme the suggested condition is necessary, reasonable and relevant to the development and should be attached to any grant of consent.

In light of the above and consultation responses received, Officers consider that the proposed development is in compliance with policies DM2, DM7 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

## **RECOMMENDATION**

In light of the above, the recommendation is one of conditional consent as per the conditions set out below.

### **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 (Ki 5117 1, Ki 5177 2A, Ki5117 3A)
3. No development shall commence until a detailed landscaping and implementation scheme together with a maintenance strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping and implementation scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The development shall thereafter be undertaken strictly in accordance with the landscaping scheme as approved.
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 approved plans in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 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.
4. To comply with Powys County Council's LDP Policies 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.

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