

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0812/FUL

Grid Ref: E: 315769
N: 236702

Community Council: Bronllys Community

Valid Date: 24.05.2019

Applicant: Mr David James

Location: Trevithel Court, Three Cocks, Brecon, Powys, LD3 0RY

Proposal: Erection of agricultural building for storage of silage

Application Type: Full Application

The reason for Committee determination

The applicant is related to an officer working within the Planning Department.

Consultee Responses

Consultee

Received

PCC-(S) Highways

7th Jun 2019

Does not wish to comment on the application

Welsh Water

31st May 2019

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can confirm we have no objections to this application.

Environmental Protection

31st May 2019

I have no comment in respect of the above application.

19/0812/FUL Erection of agricultural building for storage of silage Trevithel Court Three Cocks Brecon Powys LD3 0RY

No objection

Background to Recommendation

Designation

Cadw ID 16842 Trefithel Farmhouse included on the statutory list on 08/02/1996

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

Trefithel Farmhouse is located at the end of a farm road, at the top of a hill, facing W with the farm yard and buildings to the rear. The property is a gentry farmhouse of first half of the C17, refronted in the early C18. The building is squared stone, with slate and asbestos slate roof. Two storeys and attic. The building is included as fine C17 and C18 gentry farmhouse with architectural sophistication.

The proposal relates to the erection of an agricultural building for the storage of silage.

There is a range of farm buildings currently sited to the west of Trevithel, and the proposed silage building will be to the west of those buildings. Trevithel

The farm is sited off the main road and not readily visible from the A438. It is noted that the front elevation of Trevithel looks to the west over the existing farm buildings. Trevithel is

served via a road from the A438 and it is considered that the proposed building will be screened by the existing farm buildings.

Taking the above into account I can confirm that I have no objections to the proposal.

Community Council

No reply received in time of writing this report

Wales & West Utilities - Plant Protection
Team

30th May 2019

Wales & West Utilities acknowledge receipt of your notice received on 29.05.2019, advising us of the proposals for: Trevithel Court, Three Cocks, BRECON, Powys, LD3 0RY

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.

Representations

None received in time of writing this report

Planning History

AGRI/2010/0054 - Erection of an agricultural storage building. Approved

Principal Planning Constraints

- Grade II listed building
- Landscape of Outstanding Historic Interest (Middle Wye Valley)

Principal Planning Policies

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
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	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
DM14	Air Quality Management	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026

SPGBIO Biodiversity and
 Geodiversity SPG (2018)

SPGLAN Landscape SPG

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

Procedural Matters

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.

Site Location

The application site is located within an area of open countryside approximately 1km west of Three Cocks. The application site forms part of the farming complex at Trevithel Court and it is located on the western side of the farm. The site is adjacent to the existing range of buildings and it would be accessed off the existing farmyard. The proposed building will be located in an adjacent orchard, which will involve removal of a small amount of trees. The site is screened in all directions by mature vegetation to the perimeters of the farm complex.

The Scheme

The proposal is for a new agricultural building which is to be used for silage storage. The proposed building is to be located on the western part of the farm complex and it will be adjacent to the existing silage buildings at the holding. The proposed building will measure 30m in length, 24m in width, and 8.5m in height. It will be open fronted with a total floor space of 592m². The proposed building will match the adjacent buildings in size and design, being constructed of pre-cast concrete panels with slate blue box profile

sheeting above, while the roof will be constructed of natural grey profile fibre cement sheets. The access to the building is via the existing yard.

Principle of Development

Agricultural development is generally supported within national planning and local policy and LDP Policy E2 of the Powys Local Development Plan and Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside, subject to the usual considerations of design, landscape impact, amenity, highway safety and ecology. Therefore the principle of agricultural development such as that proposed is acceptable at this location.

Design and Landscape impact

With respect to design, specific reference is made to UDP policies DM13 and DM4. This indicates that development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing. Development proposals must not have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

The current proposal involves construction of an additional building located west of the existing building complex at the holding. The proposed building will match the existing buildings at the holding and it will be seen in the context of those buildings. It is considered, therefore, that the selected materials are acceptable in their use at this location and that the visual impact is acceptable.

Guidance within policy DM4 of the Powys Local Development Plan (2018), 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.

The application site comprises of agricultural land and orchard located on the western part of the farm complex. The proposed site is adjacent to the existing agricultural building.

LANDMAP defines the site as follows;

Geological Landscape - Moderate
Landscape Habitats - Moderate
Visual and Sensory - Moderate
Historic Landscape - Outstanding

Cultural Landscape – Outstanding

The Visual and Sensory designation is summarised as lowland undulating settled farmland between 170mAOD and 100mAOD with gentle hills and valleys adjoining the Wye valley to the north and upland hills and valleys to the south. The farmland is mixed arable/pastoral with medium sized fields and generally cut hedges with mature standard trees. The hedges are replaced by fences in places. Occasional deciduous and coniferous copses are scattered across the area. The watercourses are lined by riparian woodland. Settlement is scattered farmsteads between the settlements, which are concentrated on the A438 such as Treble Hill. The main roads including the A470 Bronllys bypass disturb the tranquillity of the area although away from the roads the area is quiet. The low hedges allow views across the landscape to the uplands beyond.

The ‘outstanding’ classifications within the historic and cultural landscape layers are attributed towards extensive area of mixed field systems occupying good quality raised land to the south of the Wye valley. The area contains a vast array of relict medieval earthworks including moated sites and relict field systems, a number of important but small medieval settlements. The landscape as it appears today is largely a product of the extensive medieval settlement of the wider Usk around Brecon. Taking into account data within HER records, the building would not directly affect any known historical features.

The site is also located within the Middle Wye Valley Landscape of Outstanding Historic Interest. The landscape is summarised as a river valley and dissected foothills situated on the north side of the Black Mountains, containing diverse archaeological remains and historic interests spanning the prehistoric to recent periods.

The building is functional in design and whilst it would be a new feature in the landscape, it would be well grouped with existing buildings and is commensurate in scale and type to the existing development at the site.

Taking the above factors into account, it is not considered that the proposal would have an unacceptable adverse effect on the Powys landscape. Therefore, it is considered that the proposal complies with the relevant criteria of LDP Policies DM4 and DM13.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) and LDP policy DM13 on agricultural development. For developments of this nature considerations of impact on neighbour amenities should include odour, flies, dust and noise.

The nearest neighbouring properties (not associated with an agricultural holding) are identified as 1 & 2 Bronmynydd at the distance of approximately 310m south east of the application site. Agricultural buildings have the potential to impact upon the amenities enjoyed by occupiers of neighbouring residential properties from noise, odour, dust and

insects. The Council's Environmental Health department have not raised concern over the proposal and given the intervening distances between and that the proposed development seeks to supplement the existing enterprise, it is considered that the proposal would not cause any unacceptable adverse impacts upon the amenities enjoyed by occupiers of residential properties.

Highways and Access

Part 10 of LDP Policy DM13 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development.

Access would be gained via the existing access from the county highway. No alterations are proposed and the Highway Authority have not commented on the application. As such it is considered that compliance with Part 10 of LDP Policy DM13 would be achieved.

In light of the above it is considered that the proposed development complies with relevant planning policy, namely Powys Local Development Plan (2018) Policy DM13.

Impact upon heritage assets

Listed building

The planning authority is required have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as set out in Planning Policy Wales and TAN24.

Trefithel Farmhouse is a grade II listed building and it is located at the end of a farm road, at the top of a hill, facing west with the farm yard and buildings to the rear. The property is a gentry farmhouse of first half of the C17, refronted in the early C18. The building is squared stone, with slate and asbestos slate roof. Two storeys and attic. The building is included as fine C17 and C18 gentry farmhouse with architectural sophistication.

The proposed agricultural building will be located west of the listed farmhouse at the distance of approximately 160m, and it will be adjacent to the existing agricultural buildings at the site.

Therefore, given the distances involved and intervening existing buildings between the listed buildings and the proposed building, the Officers consider that the setting of the identified listed buildings would not be unacceptably adversely affected by the proposal in accordance with the provisions of Powys Local Development Plan (2018) Policy SP7.

Middle Wye Valley Landscape of Outstanding Historic Interest

The site is also located within the Middle Wye Valley Landscape of Outstanding Historic Interest. Paragraphs 6.1.20 and 6.1.21 of Planning Policy Wales advise that Planning

authorities should protect those assets included on the register of historic landscapes in Wales. LDP Policy SP7 states that to safeguard strategic resources and assets (including Registered Historic Landscapes) in the county, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

The landscape is summarised as a river valley and dissected foothills situated on the north side of the Black Mountains, containing diverse archaeological remains and historic interests spanning the prehistoric to recent periods.

Given the scale and character of the proposal as discussed above, it is considered that the proposal would not have an unacceptable adverse impact on the Registered Historic Landscape in compliance with LDP Policy SP7.

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 Officers acknowledge that the proposed building will be located within the existing orchard and to that effect, a small amount of commercial trees will be removed. However, given the nature and the age of the trees, it is unlikely that they would support any protected habitats or species.

Conclusion

The development relates to the provision of an agricultural building in connection with an existing farming enterprise. The proposal is located adjacent to existing buildings and is considered to have a negligible landscape impact. The development is considered to be compliant with relevant local and national policy subject to the conditions and informative 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 approved plans (DJ.04.05.2019, DJ.05.05.2019, DJ.06.05.2019).

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.

Advice for the developer/applicant

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.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

SuDS Approval Body (SAB)

Deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite. Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk. 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>