

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/0779/FUL

Grid Ref: E: 329203
N: 267049

Community Council: Presteigne Community

Valid Date: 17.10.2018

Applicant: Mr Wilding

Location: Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

Proposal: Erection of a poultry unit and associated works

Application Type: Full Application

REPORT UPDATE

Following publication of the Committee Report, Members are advised that additional consultee and third party correspondence has been received by Development Management. The applicant's agent has also submitted additional information responding to the comments received, a copy of which is attached in full.

Consultee Responses

Environmental Health

Thank you for your e-mail and for discussing the matter with Carwyn and myself.

As discussed the supply at Norton is subject to the Private Water Supply Regulations (Wales) 2017. It is therefore tested regularly (2 per year, 2-3 different properties on different legs of the supply each time) by this department and it has also been risk assessed in line with the requirements. Officers of this department are therefore making comments on this application with a good knowledge of the area.

The baseline data for this supply has therefore already been collected over a number of years. The supply (spring source) itself is in a woodland and is housed in a secure building which protects it from contamination. The supply is also treated by ultra violet disinfection. It's a Reg.9 supply under the legislation and will continue to be tested and risk assessed going forward. At a recent meeting with the site owner it was agreed to add nitrates to the suite of measures which the water is tested for as a further fail safe.

In terms of the land spreading the applicant has a waste management plan and contained within this is spreading buffer zones of 200m from the supply, this is far in excess of the

50m requirement. This approach is consistent with the approach taken at other poultry applications across Powys and is in accordance with the guidelines for manure spreading.

A hydrological survey has not been undertaken of the site and it is not our intention to request one. Surface spreading of manure is a common agricultural practice and indeed there would be nothing to prevent the landowner importing and spreading chicken manure on the fields currently. The manure management plan will impose more controls on the farm practices on the land than presently exist and it represents best practice at the time of writing.

In summary we are satisfied that an appropriate assessment has been undertaken and appropriate controls are in place in accordance with manure management plan. Hopefully residents on the site will also take comfort from the fact that outside of the planning regime we will be continuing to monitor the supply.

County Ecologist

Thank you for forwarding the representation from CPRW regarding application 18/0779/FUL received on the 19th July 2019.

I note that CPRW have raised concerns regarding two mature trees in close proximity to the site, a review of the Woodland Trust to identify Veteran/Ancient trees at the site of the proposed development has been undertaken - as identified in Para 6.4.26 of Planning Policy Wales (Edition 10, December 2018). Neither of the trees referenced by CPRW in their representation are identified on the inventory.

Whilst these trees are not included on the Ancient Tree inventory it should be noted that measures to protect these features of biodiversity value during the construction and subsequent operation of the proposed development should be secured, I therefore recommend in addition to the recommended conditions identified in my response dated 19/04/2019 that a condition to secure the submission of and adherence to a construction and operation phase tree protection plan in accordance with British Standard 5837:2012 prepared by a suitably qualified and experienced arboriculturalist is included should you be minded to approve the application. suggested wording for such a condition is provided below:

No development shall take place (including ground works and vegetation clearance) until a detailed Construction and Operation Tree Protection Plan produced by a suitably qualified and experienced arboriculturalist in accordance with BS5837:2012 has been submitted and approved by the Local Planning Authority, the Plan shall include details and locations of protective measures including fencing and exclusion zones for both construction and operation phases of the development etc. The approved Plan shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 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.

Third Party Representations

Following the previous meeting, Members are advised that a further 7 representations have been received by Officers. The concerns expressed therein can be summarised as follows;

- Unacceptable landscape and visual impact;
- Impact upon a bridleway;
- Impact upon residential amenity;
- Pollution of private water supplies;
- Impact upon the health of existing Norton residents;
- Impact upon veteran trees;
- Failing Status of the River Lugg;
- Availability of revised Screening Opinion;
- Norton Manor comprises of residential caravans as oppose to holiday units.

Officer Appraisal

Landscape and Visual Impact

The character and quality of Powys' landscape is one of its most important assets being a combination of its natural history and geology and the influence of human activity on these natural assets. Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding the quality of its environment and ensuring the social, cultural and economic well-being of the area. It is important for the tourism industry and also provides an attractive setting and sense of place in which local people can live and work.

LDP policy DM4 confirms that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

Members are advised that photographs accompanied a third party representation received. The written commentary with the photographs indicated that the proposed building would be visible within the landscape being located on higher ground to the rear of Old Impton. It is understood that the photographs were taken from vantage points along the public highway, some of which are long distance views.

Whilst Officers accept that the proposed poultry unit will be visible within the landscape, given the siting and profile of the building, existing and proposed landscaping together with the proximity to existing agricultural buildings, it is not considered by Officers that the

landscape and visual impact will be unacceptable, compliant with policy DM4 as above. As such, it is considered that insufficient weight can be given to this to justify a refusal of planning permission.

Impact on Private Water Supplies

As Members will be aware, concerns were expressed by the residents of Norton Manor during the previous meeting regarding the impact of manure spreading on the private water supply serving Norton Manor.

Planning Policy Wales confirms that water supply and water resources are a material consideration in the determination of any planning application and should be taken into account in identifying land for development (para.6.6.7). Thereafter, paragraph 6.6.9 states that water supply should be considered when proposing development because of the consequential environmental and amenity impact associated with the lack of capacity.

Following the previous meeting, further advice has been sought by Officers. In their response, Environmental Health confirms that the supply at Norton is subject to the Private Water Supply Regulations (Wales) 2017 and is therefore tested regularly (2 per year, 2-3 different properties on different legs of the supply each time) by the Council and will continue to be tested going forward. The supply has also been risk assessed in line with the requirements.

It is understood that the supply (spring source) itself is located within a woodland and is housed in a secure building which protects it from contamination. The supply is treated by ultra violet disinfection and more recently nitrates were added as a further fail safe. Thereafter, the Environmental Health response considers the submitted manure management plan and confirms that given the proposed 200 metres spreading buffer around the PWS which is in excess of the 50 metre requirement, it is not considered that the proposed development will adversely impact the private water supply serving Norton Manor.

Officers also acknowledge the concerns regarding the topography of the land. It is considered that the standard manure spreading buffers recognised by Natural Resources Wales and COGAP take account of such matters and therefore Officers are satisfied that the topography of the land has been considered appropriately within the context of manure spreading.

Impact on Existing Trees

Following the previous meeting, concerns have been expressed regarding the potential impact of the proposed development on two 'veteran' trees including a Lime and Oak Tree located within close proximity of the proposed site of development.

Planning Policy Wales indicates that planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value,

contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Ancient woodland and semi-natural woodlands and individual ancient, *veteran* and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the *Ancient Tree Inventory*.

LDP Policy DM2, includes protection for individual trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage. This includes ancient woodland and veteran trees. Policy DM2 confirms 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. Development proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.

A review of the Woodland Trust Ancient Tree Inventory has been undertaken to identify any Veteran/Ancient trees at the site as directed by Planning Policy Wales (Paragraph 6.4.26). Members are advised that neither of the trees referenced by CPRW within their representation are identified on the inventory. Whilst Officers note that these trees are not included on the Ancient Tree inventory, measures to protect these features of biodiversity value during the construction and subsequent operation of the proposed development are considered appropriate in order to satisfy policy DM2 as above.

As recommended by the County Ecologist and in addition to the previously suggested conditions, it is recommended that a suitable condition requiring the submission of a detailed tree protection plan be attached to any grant of consent. It is the expectation of Officers that the submitted scheme is prepared by a qualified arboriculturalist and addresses both the construction phase and operation of the unit going forward. Subject to the above and notwithstanding the concerns expressed, it is not considered that the proposed development will adversely affect the identified or surrounding trees.

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. Notwithstanding the third party concerns expressed, it is not considered that the proposed development will unacceptably adversely affect the landscape quality of Powys, residential amenity, cultural heritage, biodiversity or the environment both individually and cumulatively. 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-MZ254-01 Location Plan, GD-MZ254-01 Drainage Plan, GD-MZ254-02 and RPP/GD-JO864-03 and documents; Design, Access and Planning Statement, A Report on the Modelling of the Dispersion and Deposition of Ammonia, Manure Management Plan 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 the rearing of pullets.
5. Notwithstanding the approved plans, 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.
6. Prior to the commencement of development, a Reasonable Avoidance Method Statement – Construction Phase in respect of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
7. 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.
8. No development shall commence until details of existing and proposed ground levels together with finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

9. Prior to first use, full details of the external finish of the proposed poultry unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
10. The poultry unit hereby approved shall house a maximum of 37,000 birds.
11. Notwithstanding the approved plans, the number of roof mounted fans shall be limited to a maximum of 10.
12. No development shall take place (including ground works and vegetation clearance) until a detailed Construction and Operation Tree Protection Plan produced by a suitably qualified and experienced arboriculturalist in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Protection Plan shall include details and locations of protective measures including fencing and exclusion zones for both construction and operation phases of the development etc. The development shall thereafter be undertaken in accordance with the Construction and Operation Tree 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 (2018).
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 (2018).
5. 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 (2018)
6. In order to safeguard European Protected Species in accordance with policies SP7 and DM2 of the Powys Local Development Plan, Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2018).
7. 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 (2018).
8. 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).
9. 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).

10. In order to control the number of birds in the interests of the environment in accordance with policies DM2 and DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).

11. In order to safeguard the amenities enjoyed by occupants of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan (April 2018), Technical Advice Note 11 – Noise (2009) and Planning Policy Wales (2018).

12. To comply with Powys County Council's LDP Policies DM2 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 (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

Case Officer: Holly Hobbs, Principal Planning Officer
Tel: 01597 827319 E-mail: holly.hobbs@powys.gov.uk