

Report of the Chief Officer Economy and Planning

Application Reference

P/2024/0044

Applicant

Hoseley Farms

Agent

MR RICHARD CORBETT ROGER PARRY AND PARTNERS LLP THE ESTATE OFFICE

Site Address

YEW TREE FARM LLAY ROAD ROSSETT WREXHAM LL12 0HT

Description of Development

ERECTION OF 2 AGRICULTURAL BUILDINGS FOR STORAGE OF STRAW AND MACHINERY AND ALL ASSOCIATED WORKS / CODI 2 ADEILAD AMAETHYDDOL AR GYFER CADW GWELLT A PHEIRIANWAITH A'R HOLL WAITH CYSYLLTIEDIG

Ward

Rossett/Yr Orsedd

Community

Rossett/Yr Orsedd

Recommendation

Grant

Officer Report

Site Description

The application site is located to the south of Yew Tree Farm, Llay Road, Rossett outside of the settlement limit. The site occupies an open countryside location, and is bound to the east, south and west by agricultural fields. To the north is the remainder of the farm complex and a small number of dwellings. Located north east of the site are two listed buildings. The site is within the sand and gravel safeguarding zone as defined by the LDP.

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Proposal

The application seeks permission in retrospect for the erection of 2no. agricultural buildings for the storage of agricultural machinery and straw.

Reason for Committee Determination

The proposal represents 'major' development and is referred to Committee for determination in line with the scheme of delegation.

Site History

P/2005/0441 - Construction of cubicle housing for dairy herd - GRANTED - 13/06/2005

Development Plan

Policy SP2: Location of Development

Policy SP12: Design Principles & Masterplanning Framework

Policy SP14: Natural Environment

Policy SP18: Climate Change

Policy SP19: Green Infrastructure

Policy NE1: International and National Nature Conservation Designations

Policy NE2: Local Designations for Nature Conservation and Geological Importance

Policy NE3: Trees, Woodlands and Hedgerows

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Policy NE6: Waste Water Treatment and River Water Quality

Policy DM1: Development Management Considerations

Policy EM4: Employment Development Outside of Settlement Limits

Local Planning Guidance Notes (LPGN)

LPGN 07 - Landscape and Development

LPGN 30 - Design

LPGN 32 - Biodiversity and Development

Relevant National Policy

Planning Policy Wales Ed 12

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 6: planning for sustainable rural communities

Technical advice note (TAN) 12: design

Technical advice note (TAN) 18: transport

Technical advice note (TAN) 24: the historic environment

Consultation Responses

Community Council:

Raises no objections.

Local Member:

Notified. No response received

Natural Resources Wales:

Raises no objection. Assumes that the Local Planning Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present. Note that there is no increase in stock numbers and as such there would be no impact of foul drainage upon protected species in terms of phosphates

Dwr Cymru Welsh Water:

Raises no objection. Recommends the inclusion of a condition preventing surface water run-off from entering the public sewerage system.

Highway Officer:

Raises no objection. This is an existing access and the proposed development for storage of straw and machinery is considered unlikely to result in any significant increase in vehicle movements.

Contaminated Land Officer:

No comments to make.

Public Protection Officer:

Raises no objection and recommends the inclusion of standard Advisory Notes in relation to noise and dust management and the burning of waste.

Conservation Officer:

No comments from a heritage perspective

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Arboricultural Officer:

No response received.

Ecology Officer:

No comments.

Publicity Undertaken:

Press Notice

Site Notice

Notification Letters

Responses to Publicity: 2 representations received.

1 representation in support of the application

1 representation raising concerns in respect of disturbance arising from construction vehicles and requests that access for vehicles taking and removing equipment/materials for the purpose of the proposed development is restricted by appropriate condition(s) to between the hours of 9 am to 5 pm Monday to Friday to protect residential amenities.

Principle of Development

The application site is located beyond any defined settlement limit and within open countryside. Whilst LDP policy SP2 directs development to within settlement limits, policy EM4 allows for development in connection rural enterprises where:

- a) The development is located within or forms a logical extension to the complex of buildings on an existing rural enterprise; or
- b) In the case of buildings located away from an established rural enterprise complex, where a clear need for the development has been demonstrated and where there is no reasonable alternative location for the development.

Approximately 400 head of cattle are housed on-site at Yew Tree. This gives rise to a requirement for considerable amounts of silage/maize/fodder to be harvested each year in the summer and autumn so that it can be fed to the cattle during the winter. The harvesting work involves the use of machinery, including several tractors along with mowers, conditioners, rakes, bailers, wrappers, trailers, bale grabs, as well as specialist vehicles, including forage harvesters and maize harvesters, buckrakes. The farm business aims to get at least 3 cuts of silage from the land each year in order to have sufficient amounts of silage stored for use by the cattle in the winter.

The young stock on-site are usually kept indoors during the winter on straw. This involves the use of further equipment such as a straw chopper, which chops and blows the straw bales into the animal housing to avoid the need to do this by hand. Prior to the erection of the buildings, the farm business regularly had to store most of its straw outdoors. This could lead to it getting wet, resulting in mould and a degradation in the quality of the straw. In turn this could cause significant health problems in the cattle. The provision of the storage buildings will enable the business to store straw and feed to be stored under-cover to

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avoid these issues, as well as providing space to store the agricultural equipment referred to above.

The buildings are located directly south of the existing complex and has previously been used for the storage of farm equipment and hay externally. This forms a logical extension to the existing farm complex, utilising land already used for outdoor storage in connection with the enterprise and being well related in proximity. It is considered therefore that policy EM4 (criterion a) is satisfied and the principle of development is acceptable.

Design

The buildings are each a maximum height of 10.8m to the pitch of the roof, with a height of 6.1m to the eaves. They are of a rectangular plan layout and measure 64.01m by 33.53m. The external materials are juniper green box profile sheeting.

The scale and form of the buildings are considered to be acceptable in this location, not appearing overly intrusive and being well related to the built form of the existing farm complex. The external materials match the existing farm buildings on the site and are of typical agricultural style. It is not considered that the development detracts from the character of the site.

Being located at the bottom of a hill, there are certain perspectives along the Llay road where the farm complex can be viewed. However, in the main, the site is well screened in all directions by the presence of mature hedging to the roadside. Furthermore, the application proposes that the south and west boundary of the new sheds/yard be planted with a native, species-rich hedgerow, to provide approximately 200m of new hedge habitat. Such planting would soften the visual appearance of the development to an acceptable degree.

For the reasons discussed above, the proposal is considered to accord with LDP policies SP12 and DM1.

Impact on Neighbouring Amenity

Owing to the location of the agricultural buildings, south of the existing farm complex and approximately 20m away from nearest residential dwellings (excluding the farmhouse to which the distance is approx. 98m) there are no concerns over noise or other disturbance arising from the development. Concerns have been raised by a nearby occupier however over the impact of construction traffic, owing to the single lane access to the site which runs alongside a residential dwelling. Whilst these concerns are acknowledged, the majority of the development has already taken place and as such, minimal disruption arising from construction vehicles is anticipated. The proposal is considered to accord with the requirements of LDP policy DM1.

Highway Considerations

The Council's Highway Officer raises no objection to the application. No changes are proposed to the existing access arrangements and the

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development is unlikely to result in any significant increase in vehicle movements. Having regard to this, the development does not have a detrimental impact on the highway network nor its users and the proposal therefore accords with Policies T1 and DM1 of the LDP.

Historic Environment

It is noted that there is a cluster of listed buildings located approximately 150m to the north east of the application site. The buildings which form the existing farm complex are situated between the newly built buildings and the listed buildings to the north east. This ensures that there is no significant impact upon the setting or character of the listed buildings. The Council's Conservation Officer has raised no concerns about the development.

For the reasons given above, the proposal is considered to accord with LDP policy SP15 and guidance contained in TAN 24.

Natural Environment

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which details the following in relation to protected species:

Badger

The buildings on site are highly unlikely to have had any impact upon badgers, their setts, or foraging/commuting areas given that no evidence of badger was found at the site at the time of the survey. The habitats present prior to works starting were not suitable for use by this species.

Bats

The plans will not have had any direct impact upon bats, or indirect. The sheds are used for the storage of bales and there does not appear to be any lighting installed at the site. There were/are no habitats at the site which are suitable for use by roosting bats but the new sheds may provide a covered foraging area for any bats which may be present locally.

Breeding birds

It is unlikely that the construction of sheds at this site had any impact upon breeding birds as there was previously no suitable habitat which may been used for nesting purposes.

Great crested newt (GCN)

Studies have demonstrated that 95% of all summer refuges of GCN fall within 63m of their summer breeding pond (Jehle, 2000). Subsequent studies also found that capture rates of GCN were at their highest within 50m of a breeding site with a significant reduction in capture rates beyond 100m (Cresswell and Whitworth, 2004). There are no suitable ponds within 250m of the site, or suitable ponds within 500m of the site which are not separated by major terrestrial barriers. The yard area has been maintained as bare earth historically and therefore provides no suitable habitat for GCN

Otter

The site does not provide any suitable habitat for otter, and the sheds are unlikely to have had any impact upon this species. If otter are still present along

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the stretch of River Alyn to the south east, activity in the farmyard 400m away is very unlikely to have any impact upon this species.

The submitted PEA indicates that no mitigation is proposed owing to the above assessment. It does, however, include a set of measures to be put in place should the installation of lighting become necessary:

- Security lighting to be set on motion sensors with short timers (<1 minute) with a passive infrared trigger;
- External lights to be hooded and directed toward the ground to reduce upward light spill; and
- A warm white spectrum to be adopted throughout the scheme to reduce blue light component.

Ecological Enhancements

The following ecological enhancements are proposed to provide a net biodiversity benefit:-

- The south and west boundary of the new sheds/yard will be planted with a native, species-rich hedgerow, to provide approximately 200m of new hedge habitat. The hedges will include the following species: hawthorn, hazel, holly, elder, field maple, wild privet, oak, Guelder rose, and dog rose.
- Two Woodcrete bat boxes will be installed onto the west facing elevation of the buildings, at least 3m from ground level. No lighting will be installed within 10m of the boxes.
- Two Woodcrete open-fronted nest boxes will be installed onto the north facing elevation of Building 2, at least 2.5m from ground level

Green Infrastructure

The application is accompanied by a Green Infrastructure Statement which notes that the application site was formerly a storage yard used in an agricultural capacity. The storage sheds have been constructed on bare ground which is devoid of any ecological features of importance or significance. A Preliminary Ecological Appraisal accompanies this GIS, which confirms that the development will not lead to any adverse impacts upon protected species nor protected sites. The application site is not located within or adjacent to any statutory or non-statutory designated ecological sites, and therefore the development does not have any potential to cause an impact upon protected sites. In light of the above, the site's green infrastructure baseline is considered to be low.

The Ecologist raises no objection to the proposal and requests that the proposed enhancements are carried out prior to first use of the development and the hedge planting be provided in the first available planting season October-March. This can be secured via an appropriately worded condition.

Having regard to the above, the development is not considered to be harmful to protected species, their habitats or other species of interest. The application adequately demonstrates improvement to the baseline Green Infrastructure proposing the planting of a new hedge together with proportionate biodiversity

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benefit. The development is considered to accord with Policies SP14 and NE1 of the LDP, together with LPGN32 and the requirements of Chapter 6, Planning Policy Wales.

Drainage

The proposed use of the development is for the storage of agricultural machinery and hay in connection with the existing farm enterprise. There is no foul drainage proposed. Dwr Cymru/Welsh Water advises that no surface/land water run off shall be allowed to drain to the public sewerage network, in the interests of preventing hydraulic overload. It is recommended that this be secured via an appropriately worded planning condition.

The surface water drainage arrangements for the site will need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB). This is a statutory requirement. There is no requirement for SAB approval be obtained before planning permission can be given and the need to obtain SAB approval means that there are adequate controls in place to ensure surface water is properly managed

Subject to a successful application to the SAB, the drainage proposals would not be in conflict with LDP policies DM1 and NE6.

Other Considerations

Minerals Safeguarding

The application site lies within a sand and gravel safeguarding zone as identified in the LDP proposals maps. LDP policy MW 1 states that non-mineral development within Mineral Safeguarding Areas as defined on the proposals map will only be permitted where it can be demonstrated that:

- i. The mineral underlying the site does not merit extraction; or
- ii. The need for the non-mineral development outweighs the need to protect the resource; or
- iii. The mineral can be satisfactorily extracted prior to the non-mineral development; or
- iv. The development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed; and
- v. Essential infrastructure that supports the supply of minerals would not be compromised or would be provided elsewhere;

The policy requires all applications for development in these areas to be supported by a Mineral Safeguarding Assessment

The application is accompanied by an assessment which states:

In terms of Criterion (ii), there is a demonstrated agricultural need for the additional machinery and storage floorspace at Yew Tree Farm, which benefits from very few storage buildings at present; leading to fodder/hay/straw loss due to decay from the elements. The value of machinery also depreciates far quicker

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when left to the elements, as well as representing a theft risk due to not being stored securely.

The whole of the farm complex at Yew Tree Farm is located within the sand and gravel safeguarding area, meaning that some loss of the resource is inevitable if the needs of the farm for additional storage is to be met. The proposed development has been sited on an area already comprising hardstanding used for open-air storage, meaning that the land already forms part of the established farmyard, and meaning that no new land take-up would be required – preserving the resource as much as possible.

The application site is also located approximately 120m from the closest neighbouring residential property to the north. It is argued any mineral extraction on the site of the proposed buildings would be unacceptable with regards its effects upon neighbouring residential amenity owing to the close proximity of neighbouring residents. Thus, the mineral resources are, in effect, already sterilised on this occasion.

Having regard to the above reasoning, it is deemed that the need for the agricultural storage buildings, outweighs the need protect the resources, particularly when considering the development has taken place on an area of hardstanding previously used for storage. The proposal is considered to accord with criterion ii) of LDP policy MW1.

Conclusion

The proposed development accords with the relevant LDP policies and national policy and guidance.

Conditions

1. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

RJC-MZ760-02, RJC-MZ760-07, RJC-MZ760-06, RJC-MZ760-05, RJC-MZ760-04, RJC-MZ760-03 and RJC-MZ760-01 REV C

2. Within 1 month from the date of permission, the measures to deliver net benefit for biodiversity (NBB) shown on [RJC-MZ760-08] shall be implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

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3. Hedge planting scheme shall be undertaken in accordance with the details shown on drawing No. RJC-MZ760-08 in the first planting (November to March) following the date of this permission. Any hedgerow which thereafter dies, is removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species
4. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
5. The building hereby permitted shall not be used for the accommodation of livestock, except in the circumstances described in paragraph D.3 of Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (or any equivalent provision in any order revoking and re-enacting that order with or without modification).

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.
4. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policy DM1 of the Wrexham Local Development Plan.

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5. To protect integrity of the River Dee and Bala Lake Special Area of Conservation Area in accordance with Policies NE1 and NE6 of the Wrexham Local Development Plan.

Notes

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Notes

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Notes

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Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Notes

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.