

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 NOVEMBER 2023

APPLICATION NO:
P/2023 /0342

LOCATION:
THE BROOK EGLWYS CROSS
WHITCHURCH
SY13 2JT

DATE RECEIVED:
04/05/2023

COMMUNITY:
Bronington

DESCRIPTION:
CODI ADEILAD FFRAM DUR AR
GYFER GWARTHEG, PARLWR A
GODRO AC YMESTYN Y TRAC
MYNEDIAD PRESENNOL /
ERECTION OF STEEL FRAMED
BUILDING FOR CATTLE, PARLOUR
AND DAIRY AND WIDENING OF
EXISTING ACCESS TRACK

CASE OFFICER:
JP

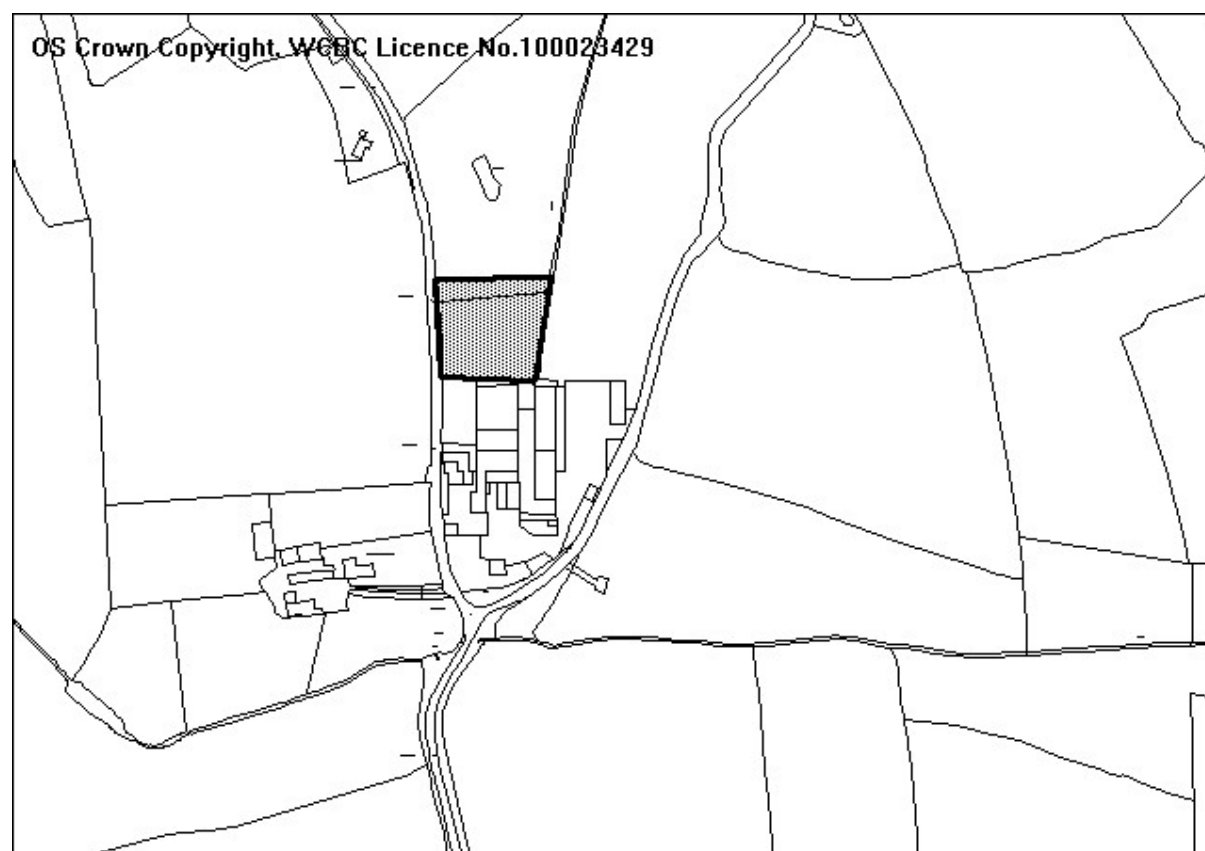
WARD:
Bronington

AGENT NAME:
STEELFORCE
MR STUART JAMES

APPLICANT(S) NAME:
MR MARK MOTTERSHEAD

THE SITE

The application site is a dairy farm complex located in open countryside.



PROPOSAL

The application seeks planning permission for the erection of a steel framed agricultural building to provide update dairy and parlour facilities, with a loose housing section for cattle. The building would measure 45.7m x 27.3m having an eaves height of 4.5m and maximum height of 8.5m. The building will be constructed with a steel frame, having a fibre cement roof with roof lights and being clad in box profile sheeting. The proposal also includes the widening of an existing field access and formation of track.

HISTORY

P/2008/0523 ERECTION OF SILAGE CLAMP. Approved 6/6/08

P/2013/0736 ERECTION OF STEEL FRAMED BUILDING FOR STORAGE OF FEEDS AND MACHINERY. Granted – 4/12/13

P/2022/0143 GORCHUDDIO PIT SILWAIR / COVERING OF SILAGE PIT.
Granted - 9/6/22

DEVELOPMENT PLAN

Unitary Development Plan

Outside of a defined settlement limit. Policies PS2, GDP1, EC3, EC6 and EC14 are relevant.

Local Development Plan

Outside of a defined settlement limit. Policies SP12, SP14 DM1, NE1, NE3, NE6 and EM4 are relevant.

CONSULTATIONS

Community Council

Supports the application

Local Member

Raises no concerns.

Highway Officer

Raises no objection. Advises that the existing access is substandard to serve the proposed development due to its limited width and inadequate visibility. Advises that the proposed access would be wide enough to be used by a milk tanker and would provide adequate visibility.

Public Protection Officer

Raises no objection. Accepts the findings of the submitted Noise Report. Recommends the inclusion of a condition to limit noise levels and advisory notes in relation to construction noise and dust.

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Contaminated Land Officer

No comments to make.

Natural Resources Wales

Raises no objection. Notes that it is the applicant's intention to improve animal welfare facilities and not to increase stock numbers. Also note that details have been provided in relation to slurry storage capacity. Advises that if manure is managed correctly, the development is unlikely to increase the amount of phosphorous entering the River Dee and Bala Lake SAC.

Advises that there may be protected species in the vicinity of the site.

Welsh Water

Consulted 8.6.2023. No response received.

Site Notice

Expired 14.7.2023

Neighbours

The owners/occupiers of 3 nearby properties notified 21.6.23 and 21.7.23. Notified about amended plans sent 21.7.2023 and 4.9.2023

1 representation received in support.

4 representations received objecting for the following reasons:

- Noise;
- Intrusion into landscape;
- Amended access plans have been drawn inaccurately as it is impossible to get 2 HGV's alongside each other on the 2.6m narrow lane and the gate opposite the new access has not been included.
- Loss of mature hedge and trees; and
- Potential impact on water supply to neighbouring property, which is which is located directly under the proposed access.

SPECIAL CONSIDERATIONS

Principle of Development: The application site is located within the open countryside in both the UDP and draft LDP.

UDP Policy EC3 permits the erection of new agricultural buildings provided they form part of an established farm complex and do not harm the rural landscape. Policy EM4 of the draft LDP permits new development in connection with rural enterprises provided they form a logical extension to an existing complex of buildings.

Proposed development would be sited adjacent to the existing complex of farm buildings.

Visual Impact: The proposed development would be located immediately to the north of the existing farm buildings.

The proposed building would be 45.7m wide, 27.4m deep and 8.6m high and of steel portal frame construction with concrete blockwork up to 3m high with timber cladding above and similar in appearance to the existing farm buildings. It would be viewed in the context of the existing farm complex rather than as sporadic development in the open countryside and would not be a harmful intrusion into the rural landscape

The proposed alterations to the access would result in the removal of approximately 50m of hedgerow in order to improve visibility. Two modest trees within the hedgerow would also be removed. A post and rail fence would be erected in their place. A concrete surfaced road would extend from the access to the building, where a larger hard surfaced area would be provided to facilitate vehicles turning.

Despite the loss of the trees and hedgerow, the proposed site access would be viewed in the context of an established farm complex. It is not unusual to find wider entrances serving large and established farm complexes in rural areas.

A scheme of landscaping would be necessary to compensate for the loss of the trees and hedgerow and would assist with integrating the development into the landscape. This could be secured by an appropriately worded condition.

Subject to the implementation of an appropriate landscaping scheme, the proposed development would accord with policies GDP1, EC3 and EC4 of the UDP and policies DM1, NE3 and EM4 of the draft LDP.

Highway Safety: The existing access is 4.8 wide and suffers from inadequate visibility in both directions. The Highway Officer advises that it is substandard and unsuitable for use by the milk tankers that would be serving the proposed development.

The access would be widened and, as noted above, hedgerow removed to improve visibility. A hard surfaced access road together with a turning area would be provided. Taken together, these alterations would allow a milk tanker to safely service the site.

The proposed development would provide a new milking parlour. It is not intended to facilitate an increase in stock numbers. As such, the number of milk tankers travelling to and from the site is unlikely to change.

Having regard to the above, the development would not give rise to highway safety concerns. In such terms it accords with policy GDP1 of the UDP and DM1 of the draft LDP.

Ecology: NRW records indicate the presence of Great Crested Newts (GCN's) in the vicinity. The development would not result in the loss of any GCN habitat. A scheme of Reasonable Avoidance Measures (RAMs) would

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need to be implemented during construction to ensure the works do not harm any GCN that may be present on the site. This could be secured by a suitably worded condition.

As explained, a scheme of planting would be necessary to replace the trees and hedgerow lost as a result of the proposed access alterations. A scheme of net benefit to biodiversity would also need to be implemented in accordance with the requirements of paragraph 6.4.5 of PPW11. These measures could be secured by suitably worded conditions.

Land to the north of the existing farm complex is the only location suitable for additional development, there being insufficient space to the south of the existing buildings. The proposed siting of the building allows for the use of an existing access, albeit with alterations discussed above. Siting the building further to the east would necessitate the construction of a longer road from the existing access or the constriction of an entirely new access from the lane that forms the eastern boundary of the farm complex. The impacts in terms of hedgerow loss would likely be similar to those outlined above. There is also large mature tree in the hedgerow enclosing the eastern boundary that would require removal to provide for adequate visibility. The impact of building in this location would therefore potentially have a greater impact on species and habitat than the proposed location.

Subject to the matters discussed above, the development would accord with policy EC6 of the UDP, NE1 of the draft LDP. The proposed siting of the building minimises the impact of the development on species and habitats compared to alternatives, which the measures to be secured by condition would mitigate for the impacts that do occur. The proposed development therefore accords with the Step-Wise Approach outlined in the updated Chapter 6 of PPW11

Phosphorous: As noted above, the development is not intended to facilitate and increase in stock numbers. It is therefore unlikely to increase any foul water entering the River Dee and Bala Lake SAC catchment. In such terms it accords with policy EC6 of the UDP and policies NE1 and NE6 of the draft LDP.

Residential Amenity: The application is accompanied by Noise Assessment. This concludes that noise levels emitted from machinery associated with the new milking parlour would not have a detrimental impact the living conditions of the occupiers of the nearest neighbouring dwelling, which are in excess of 100m from the proposed development. The Public Protection Officer accepts the findings of the Noise Assessment and raises no objection.

Having regard to the above, the development accords with policy GDP1 of the UDP and DM1 of the draft LDP.

Other Matters: An objector has expressed concern about the potential impact the development will have on a water supply pipe which passes under

the site access. This is a private matter between the applicant and the objector and not a material planning consideration.

CONCLUSION

The proposed development would not amount to a harmful intrusion into the rural landscape and nor would it give rise to highway safety, ecology or residential amenity concerns. It therefore accords with the relevant UDP and draft LDP policies outlined in this report.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 1:2500 Location Plan, 23/2424/01 and SFU-230405-DR001 R01 and as contained within the application documentation.
3. No part of the development shall commence until a scheme of tree and hedgerow planting has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in full in the first planting season (November to March) following the first use of the development and shall be retained thereafter.
5. No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) for Great Crested Newts have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved RAMs scheme.
6. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected, constructed or placed across the access within 10 metres of the highway boundary under Class A, of Schedule 2 Part 2
8. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
9. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 metres in both directions measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the

level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
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 GDP1 and PS2 of the Wrexham Unitary Development Plan.
5. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
6. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
7. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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

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

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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.

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)
