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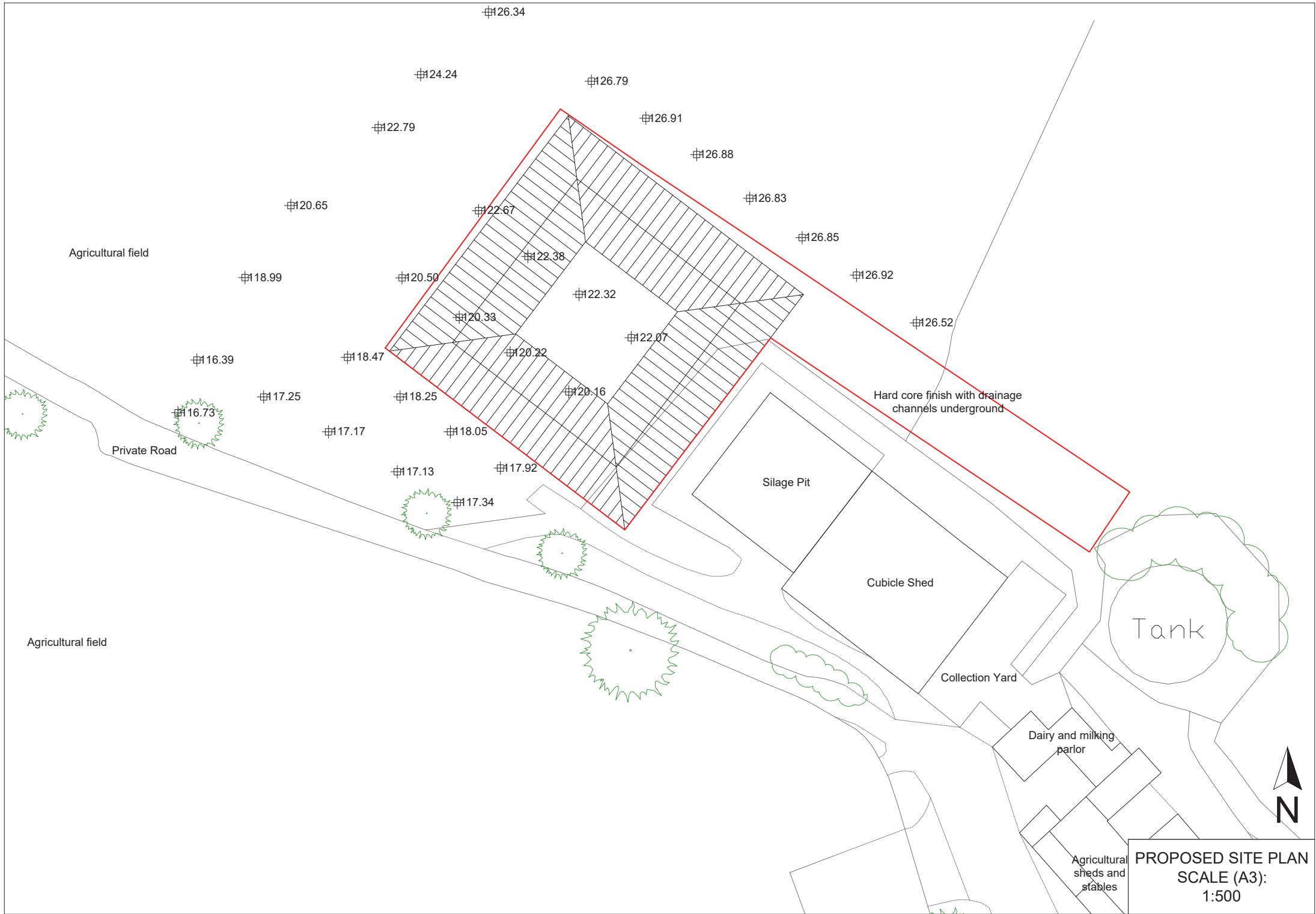
03/2020/0472

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PROPOSED SITE PLAN
SCALE (A3):
1:500



Eitem Agenda 7 / Agenda Item 7



WARD : Llangollen

WARD MEMBER(S): Cllr Graham Timms
Cllr Thomas Melvyn Mile (c)

APPLICATION NO: 03/2020/0472/ PF

PROPOSAL: Construction of a slurry lagoon and associated works

LOCATION: Pengwern Hall Pengwern Llangollen LL20 8AW

APPLICANT: Mr RM & J Johnson & Son

CONSTRAINTS: AONB

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL

Original consultation response:

Members of the Town Council consider the above application and adjudged that it was unacceptable in planning terms.

It was therefore resolved to object to this application as it is contrary to Policy RD 1 - Sustainable development and good standard design, in that the development : -

a) Does not respects the site and surroundings in terms of the siting, layout, scale, design, and micro-climate and intensity of use of land/buildings.

b) Will affect the amenity of local residents, other land and property users by virtue of the discharge of fumes and potential effects on water courses and drainage.

Re-consultation response:

Re-consultation response has not been received at the time of writing the Committee Report.

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

"The site is set in an open landscape but will appear as an extension of the existing complex of farm buildings and, in this context, the Joint Committee has no objection in principle to the application. The committee would however recommend a landscaping scheme to enclose the site with new hedges and hedgerow trees comprising native local species. In addition, further details of the safety fencing are required to ensure that it is appropriate to its rural setting."

NATURAL RESOURCES WALES

Original consultation response:

NRW requested additional information to assess the air quality impact the proposed slurry lagoon may have on European protected sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

NRW have no concerns in regard to impacts upon AONB.

Re-consultation response:

Following submission of an Ammonia Impact Screening Report, NRW confirmed they would have no objection to the proposal subject to the report being included in the list of approved plans and documents.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Public Protection Officer:

Public Protection have reviewed the supplied documents for the application and understand that the applicant intends to allow the slurry lagoon to form a natural crust. This crust will act as a barrier to the escape of odour from the slurry which could be a potential source of nuisance at nearby residential properties to the west

Public Protection would have no objection to the proposal, subject to conditions being imposed to secure an Odour Management Plan to be submitted and approved before any construction activity commences on site.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 11/10/2020

EXTENSION OF TIME AGREED: 10/02/2021

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of a slurry lagoon at an existing dairy farm which is needed to replace an existing inadequate slurry store.
- 1.1.2 The proposal comprises a below ground, open lagoon with earth bank and security fencing around the perimeter, and would be 40 metres by 40 metres in area.
- 1.1.3 The slurry store would be sited next to an existing silage pit within the existing farmyard.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is supported by a Design, Planning and Access Statement and an Ammonia Impact Screening Report has been submitted during the course of the application.

1.3 Description of site and surroundings

- 1.3.1 Pengwern Hall farm is an existing dairy farm situated within an open countryside location on the outskirts of Llangollen.
- 1.3.2 Ysgol Gymraeg y Gwernant lies approximately 260m to the east, and a residential housing estate lies approximately 150m to the north-east.
- 1.3.3 The plan below shows the location of the site:



1.3.4 Site photo:



1.4 Relevant planning constraints/considerations

- 1.4.1 The site lies outside development boundaries and within the Clwydian Range and Dee Valley AONB.
- 1.4.2 Pengwern Hall is Grade II Listed.
- 1.4.3 The site is within 5km of a number of national and European protected sites (SSSI and SAC), with the closest being approximately 400m to the north of the site.

1.5 Relevant planning history

1.5.1 Previous consents for farm related development and householder extensions, however none are of relevance to the current application.

1.6 Developments/changes since the original submission

1.6.1 Ammonia Impact Screening Report submitted to address concerns raised by NRW.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None of relevance.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

Policy VEE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes:

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity (including impact on AONB and setting of listed building).

4.1.3 Residential amenity

4.1.4 Ecology

4.2 In relation to the main planning considerations:

4.2.1 Principle

Paragraph 5.6.6 of PPW 10 advises that Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition authorities are encouraged to adopt a positive approach to the conversion of rural buildings for business re-use.

TAN6 Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN6 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

Policy PSE5 states that development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising any special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

The proposal is for a new slurry lagoon on agricultural land in association with an established dairy farm. The proposal is considered to be acceptable, subject to consideration of detailed impacts set out below:

4.2.2 Visual amenity (including impact on AONB and setting of listed building).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The Town Council has raised concerns on grounds of visual amenity. NRW and the AONB Advisory Committee have raised no objection to the proposal.

The site is located within the AONB and the proposed slurry lagoon would be sited immediately adjacent to a silage pit and other outbuildings within the farm.

The slurry lagoon would be formed by excavating down from existing ground levels, and above ground elements are limited to earth mounding and security fencing, which would limit impacts on visual amenity and on the character of the AONB, and it would be viewed in the context of the existing farm.

Pengwern Hall is Grade II Listed, however the site is a dairy farm and there are a number of agricultural buildings within the curtilage, and the proposal would not therefore not unduly impact upon the setting of the Listed Building.

The lagoon would be seen against rising land to its rear, and woodland backdrop in views from the north.

Owing to the nature and scale of the development, Officers do not consider the proposal would give rise to unacceptable impacts on visual amenity, the character of the protected landscape or the setting of the Listed Building.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The Town Council has raised concerns on grounds of residential amenity.

Public Protection Officer has raised no objection, subject to conditions being imposed to secure an odour management plan.

There are residential properties approximately 150m to the north-west.

Public Protection Officers have advised that as the slurry lagoon has been designed to form a natural crust, the crust would act as a barrier to the escape of odour from the slurry which could be a potential source of nuisance at nearby residential properties to the west. As a precautionary measure, Public Protection Officers have recommended an odour management plan is secured by condition in the interests of protecting amenity.

Subject to conditions being imposed, Officers are satisfied the proposal would not unacceptably impact on residential amenity.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

Planning Policy Wales (PPW) 10 and TAN5 are also applicable.

NRW initially requested additional information to ensure the emissions from the proposed slurry lagoon do not adversely impact on protected sites. Following submission of an Ammonia Impact Screening Plan, NRW have no objection to the proposal.

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). The site lies within 5km of a number of protected sites, with the closest being a SSSI which lies 400m to the north of the site.

The Ammonia Impact Screening Report submitted includes details of mitigation measures to be applied to ensure ammonia deposits do not have a detrimental impact on the SSSI. Officers consider conditions can be imposed to ensure these mitigation measures are implemented.

Subject to the imposition of conditions, the proposal is not considered to adversely impact on protected sites or ecological interests.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being)

objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 Notwithstanding the concerns raised by the Town Council, subject to conditions being imposed to protect amenity of nearby residential properties and statutory protected sites, the proposal is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 10th February 2026.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Location Plan - Received 17 August 2020
 - (ii) Existing Site Plan - Received 17 August 2020
 - (iii) Proposed Site Plan - Received 17 August 2020
 - (iv) Proposed Slurry Lagoon - Received 17 August 2020
 - (v) Capacity Calculations - Received 29 June 2020
 - (vi) Design Planning and Access Statement - Received 29 June 2020
 - (vii) Ammonia Impact Screening Report (with mitigation) (Nigel Penlington Consulting Ltd dated 10 December 2020) - Received 8 January 2020
3. The development hereby permitted shall be carried out strictly in accordance with the recommendations and mitigation measures set out in the Ammonia Impact Screening Report (with mitigation) (Nigel Penlington Consulting Ltd dated 10 December 2020) received on 8 January 2020
4. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of development, an odour management plan shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of protecting statutory protected sites from aerial emissions arising from the development.
4. In the interests of protecting residential amenity.