



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:

16/2013/0289
 Land at Pen y Waen
 Llanbedr DC

5

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 Denbighshire County Council
 Caledfryn
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 Denbigh
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Application Site

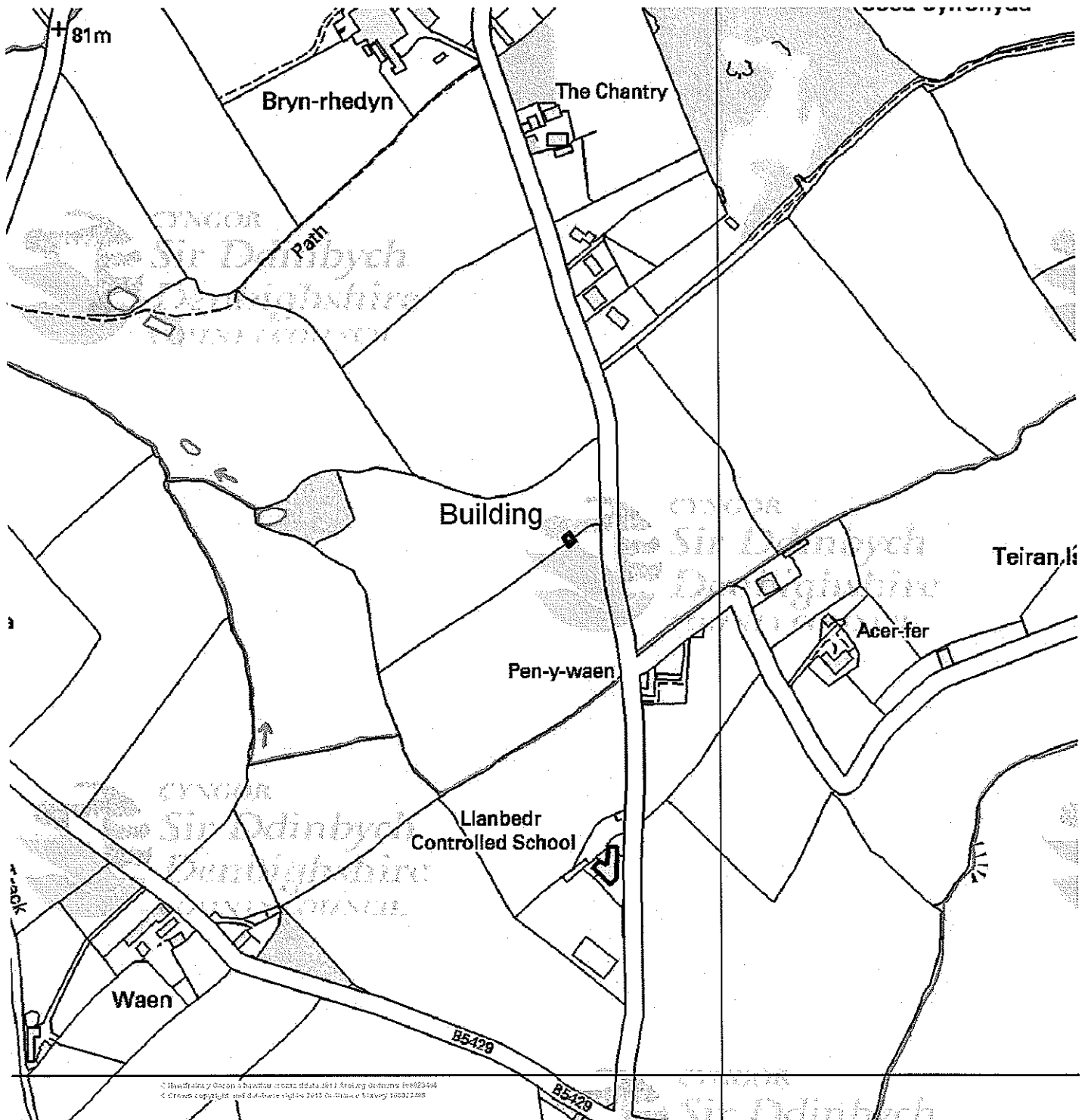


Date 30/4/2013

Scale 1/5000

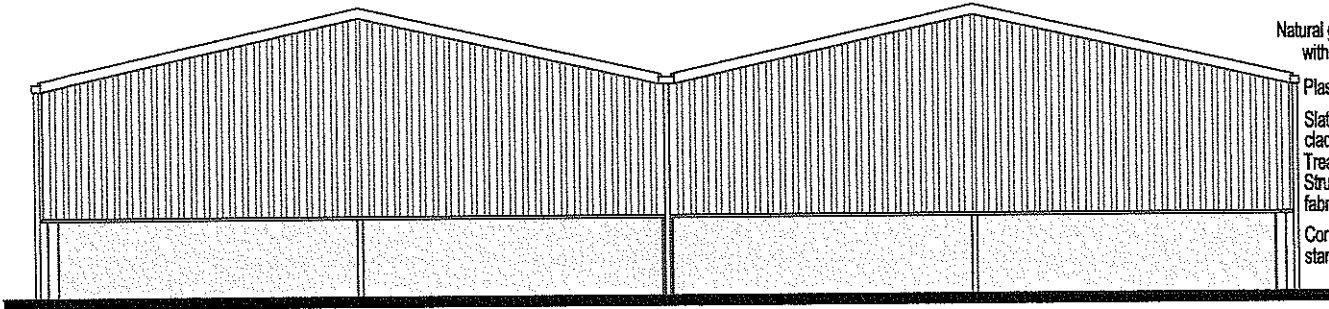
Centre = 313844 E 360445 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



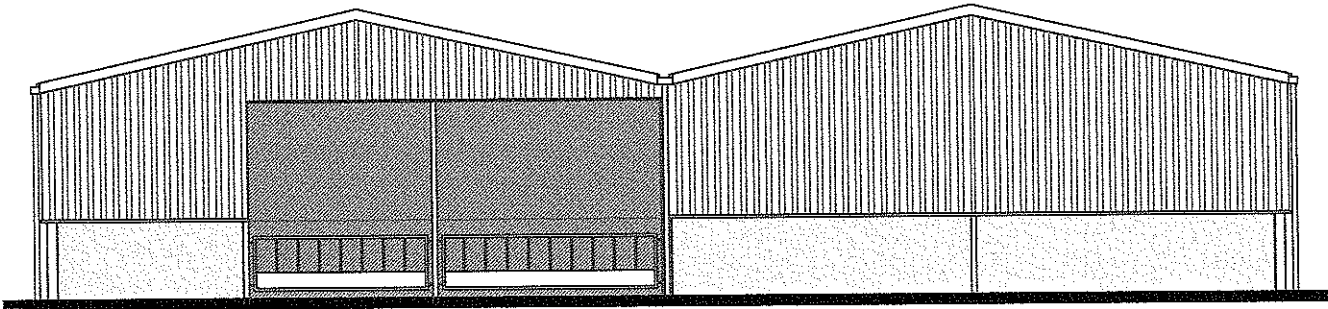
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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

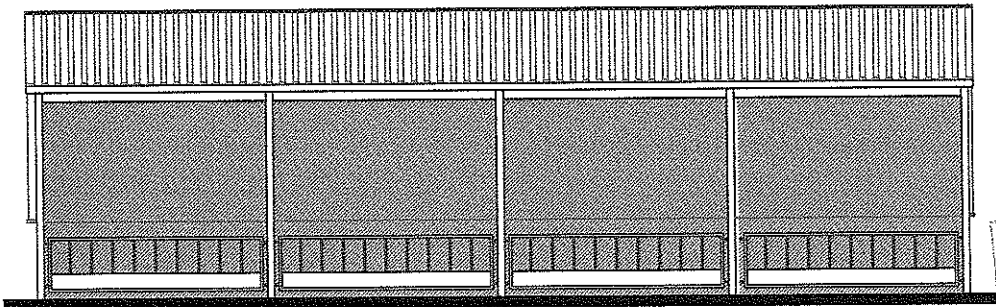


Natural grey fibre cement roofing with 10% integral rooflights
 Plastic box gutter and downpipe
 Slate Blue box profile metal cladding on
 Treated timber purlins on
 Structural steelwork frame to fabricators design
 Concrete panels between stanchions

Proposed Gable Elevation (East)

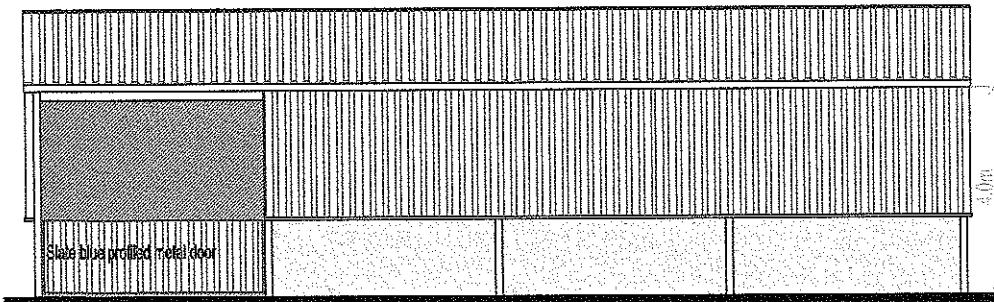


Proposed Gable Elevation (West)



Proposed Longitudinal Elevation (South)

RECEIVED
 Gate barrier cattle feeders to open elevation
 4 MAR 2013
 CALEDFRYN



Proposed Longitudinal Elevation (North)

Project		
Existing Agricultural Building to be used to house Livestock		
Pen y Waen Llanbedr Ruthin		
Drawing		
Elevations		
Scale	Date	Drawn
1 : 100 @ A3	Jan 2013	
Dwg. No.	External ref.	Rev.
PYW2 . 02		

DXR

ITEM NO: 5
WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal
APPLICATION NO: 16/2013/0289/ PC
PROPOSAL: Retention of agricultural building for the housing of livestock (retrospective application)
LOCATION: Land at Pen Y Waen Llanbedr Dyffryn Clwyd Ruthin
APPLICANT: Mr Gareth Jones
CONSTRAINTS:
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 – Community Council objection

CONSULTATION RESPONSES:

LLANBEDR DYFFRYN CLWYD COMMUNITY COUNCIL

'With regards this retrospective application, our Community Council formally object. We have looked at the location of this building and it would appear to be within 400yds of the nearby houses (in fact there are at least 11 houses within 400m of the building plus the school). Therefore we feel that as this is a large store for livestock, within the 400m requirement, and that in its location it will have a detrimental impact. We would like to reiterate that live stock was kept there over this last winter.'

NATURAL RESOURCES WALES
FLOODING AND LAND DRAINAGE
Low environmental risk

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
PUBLIC PROTECTION
POLLUTION CONTROL OFFICER
No response at time of preparing report

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr. M. Haygarth, Trem Dyffryn, Llanbedr Dyffryn Clwyd

Summary of planning based representations in objection:

Access/highway issues - existing road network not suitable for increased traffic generated and existing access to site unsatisfactory

Residential amenity - odour

Principle - size of building not required to farm land in question

EXPIRY DATE OF APPLICATION: 28/04/2013

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is to allow for the accommodation of livestock within an existing agricultural building.
- 1.1.2 The existing building was built under permitted development rights. As the building is within 400m of 'protected buildings', full planning permission is required to use the buildings for the accommodation of livestock. Its floor area is some 432m².
- 1.1.3 A protected building in relation to permitted development rights is a building normally occupied by people which is not an agricultural building or farmhouse associated with an agricultural unit. The nearest protected building is approximately 150m away.

1.2 Description of site and surroundings

- 1.2.1 The building is located off a minor road to the south of Hirwaen. The building is accessed via an existing agricultural access. The minor road to the east of the building forms the boundary of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in the open countryside and the Vale of Clwyd Historic Landscape. The site lies approximately 30m from the boundary of the AONB.

1.4 Relevant planning history

- 1.4.1 The existing building was built under permitted development rights (see history in 2.1 and 2.2).

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 16/2010/0954 - Prior Notification of erection of an agricultural building for the storage of hay - Prior approval not required
- 2.2 16/2012/0801 - Prior Notification of erection of extension to existing agricultural building for the storage of farm implements and machinery

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 3 - Development Outside Development Boundaries
 - Policy GEN 6 - Development Control Requirements
 - Policy ENV 2 - Development affecting The AONB/AOB

Policy EMP 13 - Agricultural Development
Policy CON 12 - Historic Landscapes, parks and gardens

3.2 GOVERNMENT GUIDANCE Planning Policy Wales (February 2011)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Residential amenity
- 4.1.4 Flood risk
- 4.1.5 Access/highway issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 allows for certain types of development outside development boundaries. Criterion vi) permits agricultural development providing there is no unacceptable impact on the social natural and built environment. EMP 13 relates specifically to agricultural development, and the aim of this policy is to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four tests relating to; i) the need for the development, ii) the use of alternative existing buildings, iii) the impact of development on the character and appearance of the countryside and iv) the siting relating well to the existing complex.

Although Concerns have been raised over the need for a structure of this size, it is to be noted initially that the proposal relates to, an alternative use for existing buildings already constructed under permitted development rights. The building provides 432m² of floor space and is associated with a holding of 13.75ha. Permitted development rights allow for the erection of new agricultural buildings of up to 465m² for holdings of 5ha or more. There are no alternative buildings within the holding.

Having regard to the size limitations for permitted development outlined above, as the size of the building falls within the prescribed limits, it is not considered that the need for a building of this size is unjustified. It is therefore considered, with respect to the objections, the building is reasonably required to meet the needs of the enterprise and complies with the requirements of criteria i) of Policy EMP 13.

In relation to the availability of alternative redundant buildings, no other buildings exist on the site. Therefore it is considered that the proposals to use existing buildings is in accord with the intentions of criteria ii) of Policy EMP 13.

4.2.2 Visual and landscape impact

The site lies within the Vale of Clwyd Historic Landscape and within 30m of the boundary of the AONB. Policy CON 12 requires that development does not unacceptably harm the character of a historic landscape. Policy ENV 2 requires that development does not detract from the character and appearance of the AONB. The general requirement to assess landscape and visual impact of agricultural development are set out in criteria iii) and iv) of Policy EMP 13.

The proposal relates to the retention of existing buildings built under permitted development rights. Concerns have been raised over the visual/landscape impact of the proposals.

As the visual appearance of the building has already been considered acceptable under the permitted development notification process it is not considered that the visual impact of a proposal simply to put the existing building to a different use, can have any significance to visual and landscape impact.

4.2.3 Residential amenity

Policy GEN 6 v) sets a requirement to ensure new development does not unacceptably affect the amenities of local residents, by virtue of noise, activity, fumes, etc.

Concerns have been raised in relation to the proximity of the buildings to residential properties and the impact that the proposed livestock accommodation will have. The buildings are currently restricted from being used for the accommodation of livestock by virtue of a condition attached to permitted development rights for agricultural buildings. The relevant condition requires that planning permission is necessary for any building for the accommodation of livestock that lies within 400m of a protected building. As the building is proposed to be used for the storage of livestock and is within 400m of a protected building a planning application is required, however this does not provide a presumption against the use proposed. It is required that the proposal's impact on amenity is assessed as a material planning consideration.

Concerns have been raised over the management of waste generated by the storage of livestock. For Members information, the Silage, Slurry and Agricultural Fuel Oil (Wales) Regulations 2010 provides the statutory basis for the disposal of waste associated with the accommodation of livestock. Natural Resources Wales are the controlling body in relation to these regulations. As the responsible authority for these regulations the Environment Agency are required to assess whether the arrangements are acceptable and have separate powers to control development should this be necessary.

The comments in relation to the proximity to, and impact of the development on the nearby properties are duly noted. However having regard to the countryside location and existing agricultural activity in the locality, it is not considered that the proposed livestock use would have such an adverse impact on the amenity of occupiers of nearby properties, to merit refusal of this application.

4.2.4 Access/highway issues

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing.

Concerns have been raised in relation to the suitability of the local highway network to serve the proposed development. The proposal seeks to use an existing storage building for the accommodation of livestock. Proposals would not affect existing parking and turning facilities or access arrangements at the site.

The concerns in relation to the suitability of the local highway network are noted. However it is considered that the proposed livestock use is unlikely to have a significant impact in relation to traffic generation, over and above the levels of traffic that could be generated in connection with an agricultural storage building. It is therefore considered that the proposals are acceptable in relation to highway/access issues.

5. SUMMARY AND CONCLUSIONS:

5.1 The development is considered to comply with the relevant policy tests and is therefore recommended for grant.

Determination of this application and all others at this Committee has to be made on the basis of the policies of the current adopted Development Plan, which is the Denbighshire Unitary Plan. Given the progress on the Local Development Plan and the possibility of its adoption in the near future, consideration has been given to whether any significant planning policy implications are likely to arise from acceptance of the Officer recommendation on the application. In this case, it is suggested that the recommendation would not be inconsistent with the basic approach in the proposed policies of the Local Development Plan".

RECOMMENDATION: GRANT - subject to the following conditions:-

1. No conditions imposed.

The reason(s) for the condition(s) is(are):-

NOTES TO APPLICANT:

None