

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0170/FULL 19.03.2018	Mr K Harris Pant-Y-Trwyn Farm Mynyddislwyn Newport NP11 7BB	Construct a general purpose outbuilding containing animal stores and stables, treatment room and ancillary accommodation at ground floor level with equipment and feed storage at mezzanine level Pant-y-trwyn Farm Mynyddislwyn Mountain Road Mynyddislwyn Newport NP11 7BB

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on Mynyddislwyn Mountain Road, Mynyddislwyn.

House type: Farmhouse and associated agricultural land.

Development: It is proposed to erect a two-storey storage building associated with the keeping and breeding of alpacas.

Dimensions: The proposed building measures 18.4 metres in width, 9.3 metres in depth, with a height of 6.9 metres to ridge level.

Materials: Walls: Render with stone feature quoin detailing;

Roof: Spanish slate;

Windows: Brown upvc with stone cills and feature lintels;

Doors: Timber;

Rooflights: Dark grey framed conservation roof windows.

Ancillary development, e.g. parking: Ground re-profiling to create flat plateau.

PLANNING HISTORY 2005 TO PRESENT

None.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside of the Settlement Boundary within the Mynyddislwyn Special Landscape Area (SLA).

Policies: Policy SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), and advice contained in Supplementary Planning Guidance LDP10: Buildings in the Countryside (Adopted January 2012).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Landscape Architect - Requests a tree survey. However, as the development doesn't affect any remaining trees this is not considered necessary.

Rights Of Way Officer - No objection subject to advice to the applicant.

Head Of Public Protection - No objection subject to conditions relating to the storage of waste and food.

Senior Engineer (Land Drainage) - No objection subject to requested land drainage condition and advice to the applicant. Given the location of the proposed development a land drainage condition is not considered to be necessary.

Transportation Engineering Manager - No objection.

Dwr Cymru - Provides advice to the applicant.

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Ecologist - No objection subject to biodiversity enhancement conditions and advice being passed to the applicant.

ADVERTISEMENT

Extent of advertisement: A site notice was displayed on a lamppost adjacent to Troed-y-Rhiw Road, which is the primary access route to the site.

Response: Two letters of objection have been received.

Summary of observations: - Impact on footpaths and bridleway adjacent to the application site;
- Applicant did not consult neighbouring property regarding the extent of their plans;
- Concerns regarding future operation of the site as an alpaca breeding and visitor centre;
- Inaccuracy on planning application forms, i.e. application forms state that the development would not be visible from a footpath or bridleway;
- Highway leading to the site incapable of accommodating additional traffic associated with a potential visitors centre.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: Policy CW4 relates to natural heritage protection and states that development proposals that affect SLAs will only be permitted where they conserve and where they appropriately enhance the distinctive or characteristic features of the Special Land Area (SLA). It is considered that the proposed animal shelter has been well designed in terms of its setting, scale, fenestration and external finishes, and will indeed conserve the characteristic features of the Mynyddislwyn SLA. A condition will be attached to the

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permission requiring samples of external finishes to be submitted and agreed in writing by the Local Planning Authority prior to the commencement of works.

Whilst the building has been designed over two floors, i.e. a ground floor stabling area with associated treatment room, feed store, etc., with equipment and fodder storage at first floor, given the difference in levels on site, such a split level building is appropriate and makes best use of the available space thereby preventing a significantly larger footprint. For this reason the development is considered to be acceptable in terms of its massing. Furthermore, the proposed materials, i.e. Render with stonework detailing and slate roof, are considered to represent high quality finishes that will ensure the development respects its setting within the SLA. For these reasons the development is considered to be acceptable in design terms, and therefore complies with the principles of good design outlined in TAN 12: Design, and will not have an unacceptable impact on the visual amenity of the surrounding area (Policy CW2). A condition will also be attached to the permission requiring hard and soft landscaping details to be agreed to ensure the development integrates as sensitively as possible with the surrounding Mynyddislwyn SLA.

In terms of the potential impact on highway safety (Policy CW3), whilst the Design and Access statement submitted with the application makes reference to the possibility that the aspirations of the applicant may be to create an Alpaca visitor centre, i.e. tourism, the proposed building is being treated as an animal shelter associated with alpaca breeding, i.e. purely an agricultural use. Conditions will be attached to the permission to ensure the building is restricted to an agricultural use only. If a tourism use was proposed at the application site, if the level of this use was deemed to constitute a material change of use of the land, then separate planning permission would be required. On the basis that the building is to be used for purposes associated with agriculture, the Transportation Engineering Manager raises no objection to the proposal.

Comments from consultees: The Council's Rights of Way Officer confirms that the development does not obstruct any public rights of way, but draws the applicant's attention to the position of several rights of way in close proximity to the application site, and the need to maintain access and safety at all times.

The Council's Ecologist raises no objection subject to requested conditions and advice.

The Council's Landscape Architect requests a tree survey. However as the proposed development does not impact on any trees/or the trees that would have been affected have already been removed, this is not considered necessary. It should be noted that the development does not impact on any protected trees.

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Comments from public:

1. Impact on footpaths and bridleway adjacent to the application site - The Council's Rights of Way Officer has confirmed that the proposed building does not impact on any rights of way, and goes onto provide detailed advice to the developer.
2. Applicant did not consult neighbouring property regarding the extent of their plans - Applicants are not required to consult neighbouring properties on planning proposals.
3. Concerns regarding future operation of the site as an alpaca breeding and visitor centre - As discussed above, depending on the scale of any tourism element, planning permission would be required for a material change of use of the land, including a mixed use of agriculture and tourism.
4. Inaccuracy on planning application forms, i.e. application forms state that the development would not be visible from a footpath or bridleway - Whilst the application forms should confirm the proposed development would be visible from a public right of way, this does not invalidate the application. Furthermore, the Council's Rights of Way officer has visited the site and is fully aware of the proposal and its potential effect on rights of way in the immediate area.
5. Highway leading to the site incapable of accommodating additional traffic associated with a potential visitors centre - Creation of a visitor centre would require planning permission in its own right. The highways department would comment on the suitability of the highway leading to the site if and when such an application were to be submitted.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing Number 1020(12)17, Proposed mezzanine floor layout, received 20.02.2018;
Drawing Number 1020(13)17, Proposed elevations, received 20.02.2018;
Drawing Number 1020(11)17, Proposed ground floor layout, received 20.02.2018;
Drawing Number 1020(10)17, Site location and block plans, received 20.02.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 04) The general purpose outbuilding hereby approved shall be used for agricultural purposes only at all times, and for no other purpose.
REASON: To retain effective control over the development.
- 05) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 06) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure adequate protection to protected species.

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- 07) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new building at Pant Y Trywn Farm, Mynyddislwyn Mountain Road, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 08) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow or House martin) in the new building at Pant Y Trywn Farm, Mynyddislwyn Mountain Road, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

Please find attached the comments of Rights of Way Officer, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Council's Ecologist that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW4.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

