

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0635/FULL 09.08.2018	Mr S McCarthy Mynydd Dimlaeth House Pandy-Mawr Road Bedwas Caerphilly CF83 8EQ	Construct a machinery store and associated works Mynydd Dimlaeth House Pandy-Mawr Road Bedwas Caerphilly CF83 8EQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Mynydd Dimlaeth House, Pandy-Mawr Road, Bedwas, Caerphilly, CF83 8EQ.

Site description: The application site is part of the side amenity area of Mynydd Dimlaeth House, a large detached property located to the south-east side of Mynydd Dimlaeth common (north of Bedwas). The application property is in a rural setting, in relative isolation with the exception of Yew Tree Cottage which is another detached property located at a lower level to the south and in the control of the applicant. These two properties are accessed via a private track from Pandy Mawr Road. The topography broadly rises to the west of the site and falls to the east before rising again.

Development: Construction of a machinery store and associated works.

Dimensions: 11.5m wide by 6m deep (maximum extent reduces to 4.5m towards the northern end) with an overall height of 4.6m.

Materials: Walls: Timber support structure with Timber Cladding. Roof: Dark grey roof tiles.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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Site Allocation: The site lies outside the defined settlement boundary but within the North Caerphilly Special Landscape Area (SLAs) and the Mynydd Dimlaeth and Cwm y Bwch Site of Importance for Nature Conservation (SINCs).

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), NH1 (SLAs), NH3 (SINCs), SP5 (Settlement Boundaries), SP6 (Place making), SP8 (Mineral Safeguarding), SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 10 (Buildings in the Countryside).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a High risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Head Of Public Protection - Environmental Health have no adverse comments to make with regards to the planning application.

Landscape Architect - No objection, but recommends that a quality finish be agreed to ensure that visual amenity is not adversely affected.

Ecologist - No Ecological issues with the proposed location. Recommends ecological enhancement for birds is conditioned.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and one neighbour notification letter was sent.

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Response: At the time of writing this report no representations had been received in relation to the consultation exercise however the publicity period has yet to expire. Any representations received following completion of this report will be verbally reported to Members at Planning Committee.

Summary of observations: None.

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?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floor space created is below 100 sq. m.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area including its designation as a Special Landscape Area and SINC. The application is reported to Planning Committee because the agent is related to a member of staff in Planning.

The applicant has submitted a supporting letter with the application detailing that the reason for the proposed outbuilding is for the storage of machinery associated with the maintenance of the surrounding Common land. He has recently acquired ownership of a large area of Common and is now responsible for its maintenance and upkeep.

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The proposed location for the machinery store is approximately 25 metres to the south of Mynydd Dimlaeth House on an area of land which is associated with the house and presently forms a continuation of the property's driveway. An existing block retaining wall is located to the rear of the area where the store is proposed (and will be incorporated into its construction). There has been some terracing of the land and due to the sloping topography the land behind is at a higher level and has a smaller shed located on it. The proposed outbuilding would provide some screening of the existing block wall and would screen the majority of the existing shed behind, especially from the extensive open views from the east. The form of the proposed machinery store is open fronted with timber supports, areas of timber cladding and a pitched roof in dark grey effect tiles.

It is considered that whilst it would be located within the area associated with the dwelling that due to the rural location it would broadly conform with the relevant advice contained within adopted Supplementary Planning Guidance note LDP10 (Buildings in the Countryside) for agricultural buildings in that it would be sited to minimise visual impact being away from any exposed ridge, grouped within the context of the two dwellings and existing outbuildings and would have roofing material of a dark colour and non-reflective materials to minimise the effect of glare. It is considered that the development would have an acceptable visual impact noting its position within the Special Landscape Area and would accord with adopted Local Development Plan Policies SP6 (Placemaking) and NH1 (Special Landscape Areas).

The impact of the development on the amenity of the neighbouring property (Yew Tree Cottage) has been considered. Yew Tree Cottage is located at a lower level than the proposed building to the south-east. The primary outlook from the property is southwards facing away from the proposed development. It is noted that there is limited fenestration in the west facing gable end of Yew Tree Cottage which has a retaining wall close to it and a gable apex window. The north facing rear elevation of Yew Tree Cottage is unfenestrated close to the proposed building, although three rooflights are present in the north facing roof slope. It is considered that the proposed outbuilding will not have an unacceptable impact on light or outlook nor have an overbearing impact on the occupants of Yew Tree Cottage according with adopted Local Development Plan Policy CW2 (Amenity).

The location and existing condition of the area where the building is proposed has been considered by the Council's Ecologist to have no negative impact on the SINC designation.

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Comments from consultees:

The comments of the Landscape Architect and Ecologist have been considered and planning conditions are proposed to ensure suitable materials and mitigation for birds are agreed.

Any further consultee responses received following completion of this report will be verbally reported to Members at Planning Committee.

Comments from public: None received at the time of writing this report however the consultation period had yet to elapse, and any representations will be verbally reported to Members at Planning Committee.

Other material considerations:

The application site lies within an area defined within the adopted Local Development Plan as a mineral safeguarding area for sandstone. The site's location within the amenity space of an existing dwelling means that it is not considered that the Sandstone resource's availability will be materially affected by the granting of the proposed development.

There are several Public Rights of Way within the vicinity of the site however the proposed development does not appear to directly impact on any of them. An informative note is proposed to be attached to draw attention to the rights of way and advise the applicant to contact the Countryside and Rights of Way Team should clarification be required in this regard.

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.

The development is considered to be acceptable and with materials to be agreed by condition will have an acceptable impact on the character of the area and upon neighbour amenity. It is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

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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.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan, received 12.07.18;
 - Combined Plan, drawing reference AI.00.001 revision A, received 12.07.18.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (Swallow) in the new machinery store at Mynydd Dimlaeth House, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new machinery store hereby approved is first utilised.
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).
- 04) 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.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

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It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority.

Please find attached the comments of The Council's Ecologist that are brought to the applicant's attention.

The applicant is reminded that it is an offence to obstruct a Public Right of Way. There are Public Right of Way's in the area of this application. The planning permission does not authorise the stopping up or diversion of the Right of Way. The Right of Way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990, provided that the Order is made before the development is carried out. If the Right of Way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed. The applicant is advised to contact the Countryside and Rights of Way Team on 01443 866669 if they need clarification in this regard.

