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Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 29 Mehefin 2020

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 7fed Gorffennaf, 2020 at 2.00 pm,  
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

### AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ymddiheuriadau am absenoldeb	
2.	Datganiadau o Fuddiant	
3.	Cadarnhau cofnodion y cyfarfod blaenorol	1 - 24
4.	Ystyried adroddiadau'r Ceisiadau Cynllunio dilynol gan y y Prif Swyddog – Menter (atodir copiau):	
4.1.	Cais DM/2019/00225 – Codi annedd gweithiwr menter gwledig ac uned farchogaeth gysylltiedig ar gyfer hyfforddiant a gogor ynghyd â newid defnydd o gwrs golff i ddefnydd marchogaeth. Clwb Golff Alice Spring, Heol Kemeys, Kemeys Commander.	25 - 40
4.2.	Cais DM/2019/00332 – Annedd gweithiwr fferm. Annedd Newydd Gweithiwr Fferm, Heol Castell Gwyn, Castell Gwyn, Llandeilo Croesenni, Sir Fynwy.	41 - 56
4.3.	Cais DM/2019/01062 – Cynnig i addasu ac ymestyn hen feudy a sied wyna yn ddwy uned breswyl. Unedau 6 a 7 Fferm Cayo, Heol Llanfecha, Llandenni, Brynbuga.	57 - 64
4.4.	Cais DM/2019/01214 – Dymchwel y sied bwa tun grymog bresennol a chodi annedd breswyl deulawr yn lle hynny. Tir ger 13 Cilgant Fosterville, y Fenni.	65 - 76

<b>4.5.</b>	<b>Cais DM/2019/02041 – Cynnig am estyniad 2 lawr i'r annedd bresennol yn lle'r estyniad presennol. Fferm New House, Felinfach, Sir Fynwy, NP4 0UD.</b>	<b>77 - 84</b>
<b>4.6.</b>	<b>Cais DM/2019/02081 – Newid defnydd ysgubor i ddefnydd B1 yn cynnwys cladin newydd. Ysgubor i ogledd Forest View, Fferm Penterry, Heol Chapel Hil, Penteri, St Arvans.</b>	<b>85 - 96</b>
<b>4.7.</b>	<b>Cais DM/2020/00070 – Caniatâd hysbysebu ar gyfer un arwydd sy'n sefyll ar ben ei hun. Parc Fferm Rhaglan, Heol Cas-gwent, Rhaglan, NP15 2EN.</b>	<b>97 - 100</b>
<b>5.</b>	<b>ER GWYBODAETH – Yr Arolygiaeth Cynlluno – Penderfyniadau Apeliadau:</b>	
<b>5.1.</b>	<b>10 Yew Tree Wood, Bayfield, Cas-gwent.</b>	<b>101 - 104</b>
<b>5.2.</b>	<b>Addasu Ysgubor yn 33 Heol Kymin, The Kymin, Trefynwy - costau.</b>	<b>105 - 106</b>
<b>5.3.</b>	<b>Addasu Ysgubor yn 33 Heol Kymin, Y Kymin, Trefynwy</b>	<b>107 - 110</b>
<b>5.4.</b>	<b>The Lodge, Mount Way, Cas-gwent.</b>	<b>111 - 114</b>
<b>6.</b>	<b>Apeliadau Cynllunio a Dderbyniwyd (adroddiad i ddilyn).</b>	

**Paul Matthews**

**Prif Weithredwr**

## CYNGOR SIR FYNWY

### MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

R. Edwards  
P. Clarke  
J.Becker  
L.Brown  
A.Davies  
D. Dovey  
A. Easson  
D. Evans  
M.Feakins  
R. Harris  
J. Higginson  
G. Howard  
P. Murphy  
M. Powell  
A. Webb  
S. Woodhouse

### Gwybodaeth Gyhoeddus

**Bydd rhaid i unrhyw person sydd eisiau siarad yn Y Pwyllgor Cynllunio cofrestru gyda Gwasanaethau Democraidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn l'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)**

#### **Mynediad i gopiâu papur o agendâu ac adroddiadau**

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democraidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

#### **Edrych ar y cyfarfod ar-lein**

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

#### **Y Gymraeg**

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

#### Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

#### Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

### Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

### Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

## **Diben**

Diben yr adroddiadau a atodir a'r cyflwyniad cysylltiedig gan swyddogion i'r Pwyllgor yw galluogi'r Pwyllgor Cynllunio i wneud penderfyniad ar bob cais yn y rhestr a atodir, ar ôl pwysu a mesur y gwahanol ystyriaethau cynllunio perthnasol.

Dirprwywyd pwerau i'r Pwyllgor Cynllunio wneud penderfyniadau ar geisiadau cynllunio. Mae'r adroddiadau a gynhwysir yn yr atodlen yma'n asesu'r datblygiad arfaethedig yn erbyn polisi cynllunio perthnasol ac ystyriaethau cynllunio eraill perthnasol, a rhoi ystyriaeth i'r holl ymatebion ymgynghori a dderbyniwyd. Daw pob adroddiad i ben gydag argymhelliad swyddog i'r Pwyllgor Cynllunio ar p'un ai yw swyddogion yn ystyried y dylid rhoi caniatâd cynllunio (gydag awgrym am amodau cynllunio lle'n briodol) neu ei wrthod (gydag awgrymiadau am resymau dros wrthod).

Dan Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004, mae'n rhaid i bob cais cynllunio gael eu penderfynu yn unol â Chynllun Datblygu Lleol Sir Fynwy 2011-2021 (a fabwysiadwyd yn Chwefror 2014), os nad yw ystyriaethau cynllunio perthnasol yn awgrymu fel arall.

Disgwylir i'r holl benderfyniadau a wneir fod o fudd i'r Sir a'n cymunedau drwy ganiatáu datblygu ansawdd da yn y lleoliadau cywir, ac ymwrthod â datblygiad amhriodol, ansawdd gwael neu yn y lleoliad anghywir. Mae cysylltiad uniongyrchol i amcan y Cyngor o adeiladu cymunedau cryf a chynaliadwy.

## **Gwneud penderfyniadau**

Gellir cytuno ar geisiadau yn rhwym ar amodau cynllunio. Mae'n rhaid i amodau gyflawni'r holl feini prawf dilynol:

- Angenrheidiol i wneud y datblygiad arfaethedig yn dderbyniol;
- Perthnasol i ddeddfwriaeth cynllunio (h.y. ystyriaeth cynllunio);
- Perthnasol i'r datblygiad arfaethedig dan sylw;
- Manwl;
- Gorfodadwy; a
- Rhesymol ym mhob cyswllt arall.

Gellir cytuno i geisiadau yn amodol ar gyntdeb cyfreithiol dan Adran 106 Deddf Cynllunio Tref a Gwlad 1990 (fel y'i diwygiwyd). Mae hyn yn sicrhau goblygiadau cynllunio i wrthbwysu effeithiau'r datblygiad arfaethedig. Fodd bynnag, mae'n rhaid i'r goblygiadau cynllunio hyn gyflawni'r holl feini prawf dilynol er mwyn iddynt fod yn gyfreithlon:

- Angenrheidiol i wneud y datblygiad yn dderbyniol mewn termau cynllunio;
- Uniongyrchol gysylltiedig â'r datblygiad; ac
- Wedi cysylltu'n deg ac yn rhesymol mewn maint a math i'r datblygiad.

Mae gan yr ymgeisydd hawl apelio statudol yn erbyn gwrthod caniatâd yn y rhan fwyaf o achosion, neu yn erbyn gosod amodau cynllunio, neu yn erbyn methiant y Cyngor i benderfynu ar gais o fewn y cyfnod statudol. Nid oes unrhyw hawl apelio trydydd parti yn erbyn penderfyniad.

Gall y Pwyllgor Cynllunio wneud argymhellion sy'n groes i argymhelliad y swyddog. Fodd bynnag, mae'n rhaid rhoi rhesymau am benderfyniadau o'r fath ac mae'n rhaid i'r penderfyniad fod yn seiliedig ar y Cynllun Datblygu Lleol (LDP) a/neu ystyriaethau cynllunio perthnasol. Pe byddai penderfyniad o'r fath yn cael ei herio mewn apêl, bydd yn ofynnol i Aelodau Pwyllgor amddiffyn eu penderfyniad drwy'r broses apêl.

## **Prif gyd-destun polisi**

Mae'r LDP yn cynnwys y prif bolisiâu datblygu a dylunio. Yn hytrach nag ail-adrodd y rhain ar gyfer pob cais, caiff y geiriad llawn ei osod islaw er cymorth Aelodau.

*Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd*

Dylai datblygiad, yn cynnwys cynigion ar gyfer adeiladau newydd, estyniadau i adeiladau presennol a hysbysebion roi ystyriaeth i breifatrwydd, amwynder ac iechyd defnyddwyr adeiladau cyfagos. Ni chaniateir cynigion datblygu a fyddai'n achosi neu'n arwain at risg/niwed annerbyniol i amwynder lleol, iechyd, cymeriad/ansawdd cefn gwlad neu fuddiannau cadwraeth natur, tirlun neu bwysigrwydd treftadaeth adeiledig oherwydd y dilynol, os na fedrir dangos y gellir cymryd mesurau i oresgyn unrhyw risg sylweddol:

- Llygredd aer;
- Llygredd golau neu sŵn;
- Llygredd dŵr;
- Halogiad;
- Ansefydlogrwydd tir; neu
- Unrhyw risg a ddynodwyd i iechyd neu ddiogelwch y cyhoedd.

#### Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

Dylai pob datblygiad fod o ddyluniad cynaliadwy ansawdd uchel a pharchu cymeriad lleol a nodweddion neilltuoel amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

- a) Sicrhau amgylchedd diogel, dymunol a chyfleus sy'n hygyrch i bob aelod o'r gymuned, yn cefnogi egwyddorion diogelwch y gymuned ac yn annog cerdded a seiclo;
- b) Cyfrannu tuag at naws o le wrth sicrhau fod maint y datblygiad a'i ddwyyster yn gydnaws gyda defnyddiau presennol;
- c) Parchu ffurf, maint, lleoliad, casglu, deunyddiau a gweddllun ei osodiad ac unrhyw adeiladau cyfagos o ansawdd;
- d) Cynnal lefelau rhesymol o breifatrwydd ac amwynder defnyddwyr adeiladau cyfagos, lle'n berthnasol;
- e) Parchu'r golygfeydd adeiledig a naturiol lle maent yn cynnwys nodweddion hanesyddol a/neu amgylchedd adeiledig neu dirlun deniadol neu neilltuoel;
- f) Defnyddio technegau adeiladu, addurniad, arddulliau a golau i wella ymddangosiad y cynnig gan roi ystyriaeth i wead, lliw, patrwm, cadernid a saerniaeth mewn defnyddio deunyddiau;
- g) Ymgorffori a, lle'n bosibl, wella nodweddion presennol sydd o werth hanesyddol, gweledol neu gadwraeth natur a defnyddio'r traddodiad brodorol lle'n briodol;
- h) Cynnwys cynigion tirlun ar gyfer adeiladau newydd a defnyddiau tir fel eu bod yn integreiddio i'w hamgylchiadau, gan roi ystyriaeth i ymddangosiad y tirlun presennol a'i gymeriad cynhenid, fel y'i diffinnir drwy broses LANDMAP. Dylai tirlunio roi ystyriaeth i, a lle'n briodol gadw, coed a gwrychoedd presennol;
- i) Gwneud y defnydd mwyaf effeithiol o dir sy'n gydnaws gyda'r meini prawf uchod, yn cynnwys y dylai isafswm dwysedd net datblygiad preswyl fod yn 30 annedd fesul hectar, yn amodol ar faen prawf l) islaw;
- j) Sicrhau dyluniad sy'n ymateb i'r hinsawdd ac effeithiol o ran adnoddau. Dylid rhoi ystyriaeth i leoliad, cyfeiriadu, dwysedd, gweddllun, ffurf adeiledig a thirlunio ac i effeithiolrwydd ynni a defnyddio ynni adnewyddadwy, yn cynnwys deunyddiau a thechnoleg;
- k) Meithrin dylunio cynhwysol;
- l) Sicrhau y caiff ardaloedd preswyl presennol a nodweddir gan safonau uchel o breifatrwydd ac ehangder eu gwarchod rhag gor-ddatblygu a mewnlenni ansensitif neu amhriodol.

Cyfeirir at bolisiau perthnasol allweddol eraill yr LDP yn adroddiad y swyddog.

#### Canllawiau Cynllunio Atodol (SPG):

Gall y Canllawiau Cynllunio Atodol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio perthnasol:

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-dddefnydd ar gyfer Dibenion Busnes (mabwysiadwyd Ebrill 2015)
- Polisiâu H5 a H6 LDP Anheddau yn Lle ac Ymestyn Anheddau Gwledig yng Nghefn Gwlad (mabwysiadwyd Ebrill 2015)

- Arfarniad Ardal Cadwraeth Trellech (Ebrill 2012)
- Garejys Domestig (mabwysiadwyd Ionawr 2013)
- Safonau Parcio Sir Fynwy (mabwysiadwyd Ionawr 2013)
- Ymagwedd at Oblygiadau Cynllunio (Mawrth 2013)
- Drafft Tai Fforddiadwy (Gorffennaf 2015)
- Drafft Ynni Adnewyddadwy ac Effeithiolrwydd Ynni (Rhagfyr 2014)
- Drafft Nodyn Cyngor Cynllunio ar Asesu Tirlun Datblygu ac Effaith Gweledol Tyrbinau Gwynt
- Drafft Prif Wynebau Siopau (Mehefin 2015)

### Polisi Cynllunio Cyhoeddus

Gall y polisi cynllunio cenedlaethol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio berthnasol:

- Polisi Cynllunio Cymru (PPW) 11 2016
- Nodiadau Cyngor Technegol (TAN) PPW:
- TAN 1: Cydastudiaethau Argaeledd Tir Tai (2014)
- TAN 2: Cynllunio a Thai Fforddiadwy (2006)
- TAN 3: Symleiddio Parthau Cynllunio (1996)
- TAN 4: Manwerthu a Chanol Trefi (1996)
- TAN 5: Cadwraeth Natur a Chynllunio (2009)
- TAN 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- TAN 7: Rheoli Hysbysebion Awyr Agored (1996)
- TAN 8: Ynni Adnewyddadwy (2005)
- TAN 9: Gorfodaeth Rheoli Adeiladu (1997)
- TAN 10: Gorchmynion Cadwraeth Coed (1997)
- TAN 11: Sŵn (1997)
- TAN 12: Dylunio (2014)
- TAN 13: Twristiaeth (1997)
- TAN 14: Cynllunio Arfordirol (1998)
- TAN 15: Datblygu a Risg Llifogydd (2004)
- TAN 16: Chwaraeon, Hamdden a Gofodau Agored (2009)
- TAN 18: Trafnidiaeth (2007)
- TAN 19: Telathrebu (2002)
- TAN 20: Y Gymraeg (2013)
- TAN 21: Gwastraff (2014)
- TAN 23: Datblygu Economaidd (2014)
- TAN 24: Yr Amgylchedd Hanesyddol (2017)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 1: Agregau (30 Mawrth 2004)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 2: Glo (20 Ionawr 2009)
- Cylchlythyr Llywodraeth Cymru 016/2014 ar amodau cynllunio

### **Materion eraill**

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

#### Deddf Cynllunio (Cymru) 2016

Daeth Adranau 11 a 31 y Ddeddf Cynllunio i rym yn Ionawr 2016 yn golygu fod y Gymraeg yn ystyriaeth cynllunio berthnasol. Mae Adran 11 yn ei gwneud yn ofynnol i'r gwerthusiad cynaliadwyedd, a gymerir wrth baratoi LDP, gynnwys asesiad o effeithiau tebygol y cynllun ar ddefnydd y Gymraeg yn y gymuned. Lle mae cynllun integredig sengl yr awdurdod wedi dynodi bod y Gymraeg yn flaenoriaeth, dylai'r asesiad fedru dangos y cysylltiad rhwng yr ystyriaeth ar gyfer y Gymraeg a'r prif arfarniad cynaliadwyedd ar gyfer yr LDP, fel y'i nodir yn TAN 20.

Mae Adran 31 y Ddeddf Cynllunio yn egluro y gall awdurdodau cynllunio gynnwys ystyriaethau yn ymwneud â'r defnydd o'r Gymraeg wrth wneud penderfyniadau ar geisiadau am ganiatâd cynllunio, cyn belled ag mae'n berthnasol i'r Gymraeg. Nid yw'r darpariaethau yn rhoi unrhyw bwysiad ychwanegol i'r Gymraeg o gymharu ag ystyriaethau perthnasol eraill. Mater i'r awdurdod cynllunio lleol yn llwyr yw p'un ai yw'r Gymraeg yn ystyriaeth berthnasol mewn unrhyw gais cynllunio, a

dylai'r penderfyniad p'un ai i roi ystyriaeth i faterion y Gymraeg gael ei seilio ar yr ystyriaeth a roddwyd i'r Gymraeg fel rhan o broses paratoi'r LDP.

Cynhaliwyd gwerthusiad cynaliadwyedd ar Gynllun Datblygu Lleol (LDP) Sir Fynwy a fabwysiadwyd yn 2014, gan roi ystyriaeth i'r ystod lawn o ystyriaethau cymdeithasol, amgylcheddol ac economaidd, yn cynnwys y Gymraeg. Cyfran cymharol fach o boblogaeth Sir Fynwy sy'n siarad, darllen neu ysgrifennu Cymraeg o gymharu gydag awdurdodau lleol eraill yng Nghymru ac ni ystyriwyd fod angen i'r LDP gynnwys polisi penodol ar y Gymraeg. Roedd casgliad yr asesiad am effeithiau tebygol y cynllun ar y defnydd o'r Gymraeg yn y gymuned yn fach iawn.

#### Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

Mae Rheoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Lloegr a Chymru) 1999 fel y'i diwygiwyd gan Reoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Diwygiad) 2008 yn berthnasol i'r argymhellion a wnaed. Bydd y swyddog yn tynnu sylw at hynny pan gyflwynwyd Datganiad Amgylcheddol gyda chais.

#### Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

Lle aseswyd bod safe cais yn safle bridio neu glwydo ar gyfer rhywogaethau Ewropeaidd a warchodir, bydd angen fel arfer i'r datblygydd wneud cais am "randdirymiad" (trwydded datblygu) gan Cyfoeth Naturiol Cymrau. Mae pob rhywogaeth o ystlumod, pathwod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwyddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

(i) Mae'r rhanddirymiad er budd iechyd a diogelwch y cyhoedd, neu am resymau hanfodol eraill o ddiddordeb pennaf i'r cyhoedd, yn cynnwys rhai o natur economaidd a chanlyniadau buddiol o bwysigrwydd sylfaenol i'r amgylchedd.

(ii) Nad oes dewis arall boddhaol.

(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffafriol yn eu hardal naturiol.

#### Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Nod y Ddeddf yw gwella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru. Mae'r Ddeddf yn gosod nifer o amcanion llesiant

- **Cymru lewyrchus;** defnydd effeithiol o adnoddau, pobl fedrus ac addysgedig, cynhyrchu cyfoeth, darparu swyddi;
- **Cymru gref;** cynnal a chyfoethogi bioamrywiaeth ac ecosystemau sy'n cefnogi hynny ac a all addasu i newid (e.e. newid yn yr hinsawdd);
- **Cymru iachach;** cynyddu llesiant corfforol a meddyliol pobl i'r eithaf a deall effeithiau iechyd;
- **Cymru o gymunedau cydlynol:** cymunedau yn ddeniadol, hyfyw, diogel a gyda chysylltiadau da.
- **Cymru sy'n gyfrifol yn fyd-eang:** rhoi ystyriaeth i effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol;
- **Cymru gyda diwylliant egniïol a'r iaith Gymraeg yn ffynnu:** caiff diwylliant, treftadaeth a'r Gymraeg eu hyrwyddo a'u diogelu. Caiff pobl eu hannog i gymryd rhan mewn chwaraeon, celf a hamdden;
- **Cymru fwy cyfartal:** gall pobl gyflawni eu potensial beth bynnag yw eu cefndir neu amgylchiadau.

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

- **Hirdymor:** cydbwyso angen tymor byr gyda'r hirdymor a chynllunio ar gyfer y dyfodol;
- **Cydweithio:** cydweithio gyda phartneriaid eraill i gyflawni amcanion;
- **Ymggyfraniad:** cynnwys y rhai sydd â diddordeb a gofyn am eu barn;
- **Atal:** rhoi adnoddau i ateb problemau rhag digwydd neu waethygu;
- **Integreiddio:** cael effaith gadarnhaol ar bobl, yr economi a'r amgylchedd a cheisio bod o fudd i bob un o'r tri.



Mae'r gwaith a wneir gan awdurdod cynllunio lleol yn cysylltu'n uniongyrchol â hyrwyddo a sicrhau datblygu cynaliadwy ac yn anelu i sicrhau cydbwysedd rhwng y tri maes: amgylchedd, economi a chymdeithas.

#### Trefn Troseddu ac Anrhefn 1998

Mae Adran 17(1) Deddf Troseddu ac Anrhefn 1998 yn gosod dyletswydd ar awdurdod lleol i weithredu ei wahanol swyddogaethau gan roi ystyriaeth ddyledus i effaith debygol gweithredu'r swyddogaethau hynny ar, a'r angen i wneud popeth y gall ei wneud yn rhesymol i atal troseddu ac anrhefn yn ei ardal. Gall troseddu ac ofn troseddu fod yn ystyriaeth cynllunio berthnasol. Tynnir sylw at y pwnc hwn yn adroddiad y swyddog lle mae'n ffurfio ystyriaeth sylweddol ar gyfer cynnig.

#### Deddf Cydraddoldeb 2010

Mae Deddf Cydraddoldeb 2010 yn cynnwys dyletswydd cydraddoldeb sector cyhoeddus i integreiddio ystyriaeth cydraddoldeb a chysylltiadau da ym musnes rheolaidd awdurdodau cyhoeddus. Mae'r Ddeddf yn dynodi nifer o 'nodweddion gwarchoddedig': oedran, anabledd, aillbennu rhywedd; priodas a phartneriaeth sifil; hil; crefydd neu gredo; rhyw; a chyfeiriadedd rhywiol. Bwriedir i gydymffurfiaeth arwain at benderfyniadau a wnaed ar sail gwybodaeth well a datblygu polisi a gwasanaethau sy'n fwy effeithlon ar gyfer defnyddwyr. Wrth weithredu ei swyddogaethau, mae'n rhaid i'r Cyngor roi ystyriaeth ddyledus i'r angen i: ddileu gwahaniaethu anghyfreithlon, aflonyddu, erledigaeth ac ymddygiad arall a gaiff ei wahardd gan y Ddeddf; hybu cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt; a meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt. Mae rhoi ystyriaeth ddyledus i hyrwyddo cydraddoldeb yn cynnwys: dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig; cymryd camau i ddiwallu anghenion o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

#### Mesur Plant a Theuluoedd (Cymru)

Mae ymgynghoriad ar geisiadau cynllunio yn agored i'n holl ddinasyddion faint bynnag eu hoed; ni chynhelir unrhyw ymgynghoriad wedi'i dargedu a anelwyd yn benodol at blant a phobl ifanc. Yn dibynnu ar faint y datblygiad arfaethedig, rhoddir cyhoeddusrwydd i geisiadau drwy lythyrau i feddianwyr cyfagos, hysbysiadau safle, hysbysiadau yn y wasg a/neu gyfryngau cymdeithasol. Nid yw'n rhaid i bobl sy'n ymateb i ymgynghoriadau roi eu hoedran nac unrhyw ddata personol arall, ac felly ni chaiff y data yma ei gadw na'i gofnodi mewn unrhyw ffordd, ac ni chaiff ymatebion eu gwahanu yn ôl oedran.

## **Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio**

Dim ond yn llwyr yn unol â'r protocol hwn y caniateir cyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio. Ni allwch fynnu siarad mewn Pwyllgor fel hawl. Mae'r gwahoddiad i siarad a'r ffordd y cynhelir y cyfarfod ar ddisgresiwn Cadeirydd y Pwyllgor Cynllunio ac yn amodol ar y pwyntiau a nodir islaw.

### **Pwy all siarad**

#### Cynghorau Cymuned a Thref

Gall cynghorau cymuned a thref annerch y Pwyllgor Cynllunio. Dim ond aelodau etholedig cynghorau cymuned a thref gaiff siarad. Disgwylir i gynrychiolwyr gydymffurfio â'r egwyddorion dilynol: -

(i) Cydymffurfio â Chod Cenedlaethol Ymddygiad Llywodraeth Leol. (ii) Peidio cyflwyno gwybodaeth nad yw'n:

- gyson gyda sylwadau ysgrifenedig eu cyngor, neu
  - yn rhan o gais, neu
  - wedi ei gynnwys yn yr adroddiad neu ffeil cynllunio.

#### Aelodau'r Cyhoedd

Cyfyngir siarad i un aelod o'r cyhoedd yn gwrthwynebu datblygiad ac un aelod o'r cyhoedd yn cefnogi datblygiad. Lle mae mwy nag un person yn gwrthwynebu neu'n cefnogi, dylai'r unigolion neu grwpiau gydweithio i sefydlu llefarydd. Gall Cadeirydd y Pwyllgor weithredu disgresiwn i ganiatáu ail siaradwr ond dim ond mewn amgylchiadau eithriadol lle mae cais sylweddol yn ysgogi gwahanol safbwyntiau o fewn un 'ochr' y ddadl (e.e. cais archfarchnad lle mae un llefarydd yn cynrychioli preswylwyr ac un arall yn cynrychioli manwerthwyr lleol). Gall aelodau'r cyhoedd benodi cynrychiolwyr i siarad ar eu rhan.

Lle na ddeuir i gytundeb, bydd yr hawl i siarad yn mynd i'r person/sefydliad cyntaf i gofrestru eu cais. Lle mae'r gwrthwynebydd wedi cofrestru i siarad caiff yr ymgeisydd neu asiant yr hawl i ymateb.

Cyfyngir siarad i geisiadau lle cyflwynwyd llythyrau gwrthwynebu/cefnogaeth neu lofnodion ar ddeiseb i'r Cyngor gan 5 neu fwy o aelwydydd/sefydliadau gwahanol. Gall y Cadeirydd weithredu disgresiwn i ganiatáu siarad gan aelodau o'r cyhoedd lle gallai cais effeithio'n sylweddol ar ardal wledig prin ei phoblogaeth ond y derbyniwyd llai na 5 o lythyr yn gwrthwynebu/cefnogi.

#### Ymgeiswyr

Bydd gan ymgeiswyr neu eu hasiantau a benodwyd hawl ymateb lle mae aelodau'r cyhoedd neu gyngor cymuned/tref yn annerch pwyllgor. Fel arfer dim ond ar un achlysur y caniateir i'r cyhoedd siarad pan gaiff ceisiadau eu hystyried gan Bwyllgor Cynllunio. Pan ohirir ceisiadau ac yn arbennig pan gânt eu hailgyflwyno yn dilyn penderfyniad pwyllgor i benderfynu ar gais yn groes i gyngor swyddog, ni chaniateir i'r cyhoedd siarad fel arfer. Fodd bynnag bydd yn rhaid ystyried amgylchiadau arbennig ar geisiadau a all gyfiawnhau eithriad.

### **Cofrestru Cais i Siarad**

I gofrestru cais i siarad, mae'n rhaid i wrthwynebwyr/cefnogwyr yn gyntaf fod wedi gwneud sylwadau ysgrifenedig ar y cais. Mae'n rhaid iddynt gynnwys eu cais i siarad gyda'u sylwadau neu ei gofrestru wedyn gyda'r Cyngor.

**Caiff ymgeiswyr, asiantau a gwrthwynebwyr eu cynghori i aros mewn cysylltiad gyda'r swyddog achos am ddatblygiadau ar y cais. Cyfrifoldeb y rhai sy'n dymuno siarad yw gwirio os yw'r cais i gael ei ystyried gan y Pwyllgor Cynllunio drwy gysylltu â'r Swyddog Cynllunio, a all roi manylion o'r dyddiad tebygol ar gyfer clywed y cais. Caiff y drefn ar gyfer cofrestru'r cais i siarad ei nodi islaw.**

Mae'n rhaid i unrhyw un sy'n dymuno siarad hysbysu Swyddogion Gwasanaethau Democraidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i [registertospeak@monmouthshire.gov.uk](mailto:registertospeak@monmouthshire.gov.uk). Caiff unrhyw geisiadau i siarad a gaiff eu e-bostio eu cydnabod cyn y dyddiad cau ar gyfer cofrestru i

siarad. Os nad ydych yn derbyn cydnabyddiaeth cyn y dyddiad cau, cysylltwch â Gwasanaethau Democrataidd ar 01633 644219 i wirio y cafodd eich cais ei dderbyn.

Mae'n rhaid i siaradwyr wneud hyn cyn gynted ag sydd modd, rhwng 12 canol dydd ar y dydd Mercher a 12 canol dydd ar y dydd Llun cyn y Pwyllgor. Gofynnir i chi adael rhif ffôn y gellir cysylltu â chi yn ystod y dydd.

Bydd y Cyngor yn cadw rhestr o bobl sy'n dymuno siarad yn y Pwyllgor Cynllunio.

### **Gweithdrefn yng Nghyfarfod y Pwyllgor Cynllunio**

Dylai pobl sydd wedi cofrestru i siarad gyrraedd ddim hwyrach na 15 munud cyn dechrau'r cyfarfod. Bydd swyddog yn cynghori ar drefniadau seddi ac yn ateb ymholiadau. Caiff y weithdrefn ar gyfer delio gyda siarad gan y cyhoedd ei osod islaw:

- Bydd y Cadeirydd yn nodi'r cais i'w ystyried.
- Bydd swyddog yn cyflwyno crynodeb o'r cais a materion yn ymwneud â'r argymhelliad
- Os nad yw'r aelod lleol ar y Pwyllgor Cynllunio, bydd y Cadeirydd yn ei (g)wahodd i siarad am ddim mwy na 6 munud
- Yna bydd y Cadeirydd yn gwahodd cynrychiolydd y cyngor cymuned neu dref i siarad am ddim mwy na 4 munud.
- Bydd y Cadeirydd wedyn yn gwahodd yr ymgeisydd neu asiant a benodwyd (os yn berthnasol) i siarad am ddim mwy na 4 munud. Lle mae mwy na un person neu sefydliad yn siarad yn erbyn cais, ar ddisgresiwn y Cadeirydd bydd gan yr ymgeisydd neu'r asiant a benodwyd hawl i siarad am ddim mwy na 5 munud.
- Fel arfer cydymffurfir yn gaeth â chyfyngiadau amser, fodd bynnag bydd gan y Cadeirydd ddisgresiwn i addasu'r amser gan roi ystyriaeth i amgylchiadau'r cais neu'r rhai sy'n siarad.
- Dim ond unwaith y gall siaradwyr siarad.
- Bydd aelodau'r Pwyllgor Cynllunio wedyn yn trafod y cais, gan ddechrau gydag aelod lleol o'r Pwyllgor Cynllunio.
- Bydd y swyddogion yn ymateb i'r pwyntiau a godir os oes angen.
- Yn union cyn i'r mater gael ei roi i'r bleidlais, gwahoddir yr aelod lleol i grynhoi, gan siarad am ddim mwy na 2 funud.
- Ni all cynrychiolydd y cyngor cymuned neu dref neu wrthwynebydd/cefnogwyr neu'r ymgeisydd/asiant gymryd rhan yn ystyriaeth aelodau o'r cais ac ni allant ofyn cwestiynau os nad yw'r cadeirydd yn eu gwahodd i wneud hynny.
- Lle mae gwrthwynebydd/cefnogwr, ymgeisydd/asiant neu gyngor cymuned/tref wedi siarad ar gais, ni chaniateir unrhyw siarad pellach gan neu ar ran y grŵp hwnnw pe byddai'r cais yn cael ei ystyried eto mewn cyfarfod o'r pwyllgor yn y dyfodol heblaw y bu newid sylweddol yn y cais.
- Ar ddisgresiwn y Cadeirydd, gall y Cadeirydd neu aelod o'r Pwyllgor yn achlysurol geisio eglurhad ar bwynt a wnaed.
- Mae penderfyniad y Cadeirydd yn derfynol.
- Wrth gynnig p'un ai i dderbyn argymhelliad y swyddog neu i wneud diwygiad, bydd yr aelod sy'n gwneud y cynnig yn nodi'r cynnig yn glir.
- Pan gafodd y cynnig ei eilio, bydd y Cadeirydd yn dweud pa aelodau a gynigiodd ac a eiliodd y cynnig ac yn ailadrodd y cynnig a gynigwyd. Caiff enwau'r cynigydd a'r eilydd eu cofnodi.
- Bydd aelod yn peidio pleidleisio yng nghyswllt unrhyw gais cynllunio os na fu'n bresennol drwy gydol cyfarfod y Pwyllgor Cynllunio, y cyflwyniad llawn ac ystyriaeth y cais neilltuol hwnnw.
- Bydd unrhyw aelod sy'n ymatal rhag pleidleisio yn ystyried p'un ai i roi rheswm dros ei (h)ymatal.
- Bydd swyddog yn cyfrif y pleidleisiau ac yn cyhoeddi'r penderfyniad.

### **Cynnwys yr Arweithiau**

Dylai sylwadau gan gynrychiolydd y cyngor tref/cymuned neu wrthwynebydd, cefnogwr neu ymgeisydd/asiant gael eu cyfyngu i faterion a godwyd yn eu sylwadau gwreiddiol a bod yn faterion cynllunio perthnasol. Mae hyn yn cynnwys:

- Polisiâu cynllunio cenedlaethol a lleol perthnasol
- Ymddangosiad a chymeriad y datblygiad, gweddllun a dwysedd

- Cynhyrchu traffig, diogelwch priffordd a pharcio/gwasanaethu;
- Cysgodi, edrych dros, ymyriad sŵn, aroglau neu golled arall amwynder.

Dylai siaradwyr osgoi cyfeirio at faterion y tu allan i gylch gorchwyl y Pwyllgor Cynllunio, megis:

- Anghydfod ffiniau, cyfamodau a hawliau eraill eiddo
- Sylwadau personol (e.e. cymhellion neu gamau gweithredu'r ymgeisydd hyd yma neu am aelodau neu swyddogion)
- Hawliau i olygfeydd neu ddibrisiant eiddo.

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd  
March, 2020 at 2.00 pm**

**PRESENT:** County Councillor R. Edwards (Chairman)  
County Councillor P. Clarke (Vice Chairman)

County Councillors: J. Becker, L. Brown, D. Dovey, A. Easson, M. Feakins, R. Harris, G. Howard, P. Murphy, M. Powell, A. Webb, S. Woodhouse,

County Councillors: D. Jones, V. Smith and J. Watkins attended the meeting by invitation of the Chair.

### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Louise Corbett	Strategy & Policy Officer - Affordable Housing
Denzil – John Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

County Councillor P. Clarke left the meeting following determination of application DM/2019/01761 and did not return.

County Councillor A. Easson left the meeting following determination of application DM/2019/01839 and did not return.

County Councillor J. Becker left the meeting following determination of application DM/2019/01879 and did not return.

### **APOLOGIES:**

County Councillors: D. Evans and J. Higginson

#### **1. Declarations of Interest**

County Councillor P. Clarke declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of applications DM/2019/02051, DC/2017/01335 and DM/2020/00023 as he is a Director of Capsel Ltd. (a subsidiary of Monmouthshire Housing Association). He left the meeting taking no part in the discussions or voting thereon.

County Councillor A. Webb declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of applications DM/2019/02051, DC/2017/01335 and DM/2020/00023 as she is a board member of Monmouthshire Housing Association. She left the meeting taking no part in the discussions or voting thereon.

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd  
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### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 4<sup>th</sup> February 2020 were confirmed and signed by the Chair subject to the following amendment:

Application DM/2019/01480 – the paragraph at the bottom of page 17 be amended as follows:

Members did also suggest that there were conditions put on for a Construction Management Plan and also that a condition be added to outline that the site is for residential use only.

### **3. Application DM/2019/00800 - Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway. Homestead, Wainfield Lane, Gwehelog, Usk**

We considered the report of the application and late correspondence which was recommended for approval subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement.

The local Member for Llanbadoc, County Councillor V. Smith, attended the meeting by invitation of the Chair and outlined the following points:

- An access along Wainfield Lane had been created on this site before the Planning application had been made.
- A previous application for this site had been approved in 2007, as indicated in the report of the application, following extensive negotiations regarding the ridge height and that it should not intrude and spoil the view of the rural landscape.
- A further application to the site had been submitted in 2007 in which new proposals had been approved. However, it was assumed that the ridge height, as agreed for the previous application, would also apply for this building. However, this was not the case and the application went forward with a higher ridge height than had been previously supported.
- The ridge height impacts on the view of the landscape. There is no reference in the report of today's application to an appeal that had been refused many years ago.
- There had been an appeal against the development of residence on the land adjacent to the new plot on this site. The reasons provided for that refusal were visual impact in such an elevated location. On the other side of the road a corner site had also been refused.
- The local Member considers that there would not be any great social economic, environmental and cultural wellbeing by squeezing in an additional dwelling on a constrained rural site.

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- Rural development differs from urban development.
- The Monmouthshire Landscape Officer commented on the ridge line of plot 1, the height of that dwelling, the impact that it would have and the trees to help disguise it.
- The Local Member considers that the design of the link is inappropriate for that site.
- The original plots on Wainfield Lane had been required to have half an acre of land to deal with foul water and sewage. Over the years, there has been an increase in the number of developments in this area. Residents are concerned regarding the way the treatment of sewage and foul water is being dealt with.
- The local Member does not object to the single replacement dwelling subject to an appropriate design and a ridge height that does not intrude onto the landscape.
- The local Member has concerns regarding the sub-division on the plots.
- It would be less of an inconvenience to neighbours to build both plots at the same time.
- The proposed development is not suitable for the area.

Mr. T. James, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The net result of the proposal is an additional property on the end of the line of properties within Wainfield Lane, extending the development and setting a precedent here.
- Plot 2 is presented as the infill plot. However, the resident considered that this would be the replacement plot as the garage and the dwelling straddles the footprint of the original bungalow.
- A planning application for that as a replacement plot should not be granted. It is not close to the footprint of the original bungalow and it also extends the ribbon of development on that side of the lane.
- The objector considers that he has not had an opportunity to make comment on plot 1 as a replacement plot. He therefore asked the Planning Committee to refuse the application and force the applicant to make an application for a single dwelling and then make an application for an infill development allowing residents an opportunity to make representations on that as a replacement plot.
- Two precedents will be set if the application is approved, namely, pulling down a property and replacing with two properties and it would allow the extension of the

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### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd March, 2020 at 2.00 pm**

ribbons of development on Wainfield Lane. This would lead to further development of Wainfield Lane.

- The development that is happening on Wainfield Lane is already beginning to cause drainage issues in respect of foul water and stormwater running onto the roads.
- The density of the site is too great.
- The ridge height varies on existing properties making it impossible to have a consistent ridge height, going forward.

The applicant's agent, Mr. G. Buckle, attended the meeting by invitation of the Chair and outlined the following points:

- The scheme has been amended following consultation with the local Authority to ensure that it complies fully with Planning Policy H3, relating to infill dwellings in minor villages.
- By amending the proposal a larger frontage for both properties has been achieved and an amended landscape proposal should be welcomed.
- The amended proposal does not extend beyond the existing bungalow footprint.
- There have been no objections to the proposal received via the Highways Department.
- The scheme accommodates parking requirements laid down by the local Authority.
- The visual impact with the adjacent property has been minimised by the existing garage which was originally attached the client's land, Homestead.
- The garage has been purchased by the adjoining owners and can remain as a permanent screening.
- There have been numerous infill developments along Wainfield Lane, all of which comply with Local Development Plan (LDP) Policy. The majority of objections come from residents of these infill properties, all of which had similar planning concerns at the time.
- The area of the site is a third of an acre and can accommodate two dwellings which ensures that the proposal makes the best use of development land.
- The area of land for each plot is similar to other approved infill developments along Wainfield Lane.



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- In the redesign of the site the properties are well set back within the site and coupled with a sustainable landscape proposal, will reduce the visual impact.
- The ridge heights adjacent to Ty Cwtch are the same and will have limited impact.
- The large gardens to the front and rear will provide areas for sustainable urban drainage.
- Highway safety will not be adversely affected as there is only a net increase of one dwelling.
- There is sufficient space to provide the turning area on site allowing vehicles to enter and exit the site in a forward direction.
- There is ample parking for at least three vehicles per plot.
- The proposed double garage adjacent to the neighbour's property will provide a screening to Ty Cwtch.
- Soft landscaping will screen any negative visual impact. In addition, it is proposed to plant a native species hedgerow to maintain the integrity of the Wainfield Lane frontage.
- The proposals will not affect the village character which extends beyond Wainfield Lane to the village of Gwehelog.
- The proposed dwellings are to be finished externally with natural materials including a natural slate roof.
- The design and appearance of both dwellings is appropriate to the surrounding area reflecting the mixed and varied styles of properties which have been constructed in recent years.

Having considered the report of the application and the views expressed, the following points were noted:

- It was considered that there were no planning grounds to refuse the application.
- The plot is large enough to accommodate the proposed dwellings. The dwellings would fall within the curtilage and would not be located outside of the village boundary.
- Concern was expressed regarding the position of the double garage in front of plot two. The roofline could be reduced as the current proposal might have a negative impact on the outlook from Ty Cwtch.

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- The proposed dwellings will be served by two separate treatment plants. Therefore, it would be appropriate for a foul drainage system to be conditioned if the application was approved and subject to meeting Building Regulations.
- A Member considered that the criteria that the Committee should be applying is covered in Policy DES1, overdevelopment of the site and whether the plot is as spacious as the existing properties in the area or not. In response, the Head of Planning informed the Committee that under Policy H3, the site could be considered as redevelopment of the site, allowing an efficient use within the residential curtilage and a natural boundary to the settlement. The Member considered that the correct policy was not being applied in this instance.
- The application is making efficient use of the land. The houses are being set into the plot and not on the road frontage and it is no different to other developments that happen across the County. The Application is sympathetic to the space.

The local Member summed up as follows:

- Concern was expressed regarding the height of the building and the impact that it will have on the surrounding landscape.
- Should the application be approved, the local Member asked that the design of the properties be looked at again and that the ridge height also be reviewed and the affect that this will have on the surrounding landscape.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2019/00800 be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Also, that an additional condition be added to approve the details of foul drainage including the removal of the existing arrangement.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	8
Against the proposal	-	0
Abstentions	-	5

The proposition was carried.

We resolved that application DM/2019/00800 be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Also, that an additional condition be added to approve the details of foul drainage including the removal of the existing arrangement.

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#### **4. Application DM/2019/02051 - Construction of 20no. affordable housing units, landscaping and associated works. Land At Wern Gifford, Pandy, Abergavenny, NP7 8DL**

We considered the report of the application and late correspondence which was recommended for approval subject to the nine conditions as outlined in the report and subject to a Unilateral Undertaking agreement.

Councillor A. Bentley, representing Llanvihangel Crucorney Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- The sewerage issue reported by the Community Council is not with the sewerage plant but with the main sewerage pipe that runs through the village.
- The current sewerage system was built in the mid 1960's to support 25 houses plus the future development of Wern Gifford (100+ dwellings).
- The system is now servicing in excess of 250 dwellings along with three public houses and three caravan camping sites across the two villages.
- Over a significant number of years and also in recent weeks, local residents in the village have experienced sewage coming up through the drains onto their properties and within dwellings coming up through the toilets.
- The hydraulic modelling assessment of the public sewage system of Pandy and Llanvihangel Crucorney, undertaken in 2013, had outlined that the 150mm diameter gravity foul sewage pipe is hydraulically overloaded.
- There have been three housing developments granted since this assessment had been undertaken and additional infill of dwellings despite this finding.
- The hydraulic modelling assessment had confirmed that the amount of storm water entering the bottom end of the catchment exceeds the design capacity of the sewers in this area in times of heavy rainfall. During recent storms, the pipe work did not cope.
- Welsh Water had informed the Community Council that it was looking to include further investigation work.
- The Community Council considers that the proposed development is in breach of the specified policies within the current Local Development Plan.

Mr. B. Griffiths, representing objectors to the application, attended the meeting by invitation of the Chair. The Committee was informed that there is support for affordable homes in the area. However, there is a need to resolve the following issues:

- Traffic issues – The developer had stated that the road access to the development assessment was based on a computer generated model which

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indicated that the traffic volume would not present a problem. Concern was expressed that not all of the data was included when compiling this model.

- During periods of high activity such as the school run during the morning and afternoon periods, it was noted that the afternoon run causes significant traffic problems.
- The main access route is frequently blocked during this period by parked vehicles and school buses leaving large tractors and stock lorries unable to access this route.
- This matter had been presented to the Community Council which had been addressed with the school and community police. However, this issue has continued over many years.
- Local residents consider this could be avoided by moving the proposed development providing an entry and exit onto the adjacent Grosmont Road. This route also provides access to the A465 trunk road.
- Last year the Local Authority invited landowners to submit candidate sites that could be considered for inclusion for development in the replacement Local Development Plan (LDP).
- The landowner owns the land adjacent to Grosmont Road and has submitted a piece of land for the next LDP, which is located adjacent to the current proposed development on land adjacent to Wern Gifford.
- This proposed candidate site is not yet approved. However, given that the building line has already been breached, residents consider that this piece of land will be approved for development, going forward. This site would be significantly larger than the proposed development.
- Objectors ask the Planning Committee to consider the impact on the current residents of Wern Gifford and future proof this development with an alternative access point via the Grosmont Road.
- Sewage issues have been occurring over a number of years with raw sewage spilling from manhole covers during periods of heavy rainfall.

The local Member for Crucorney, attending the meeting by invitation of the Chair, outlined the following points:

- It is imperative that there is an infrastructure to support the proposed development. With 20 dwellings proposed, concerns have been raised as to whether the local school will be able to accommodate the increase in the number of children who will be residing in the new dwellings. Will the access route which passes the school allow safe access and exit to new residents and existing residents who reside at Wern Gifford?

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- Traffic travels through Wern Gifford to access the farm where people work.
- Concern was expressed as to whether the main carrier pipe will cope with the waste produced. The system is of a good standard except for the pipe that carries the sewage from Llanvihangel Crucorney to Pandy, a distance of approximately one mile.
- The pipe is 150mm in diameter and was built in the mid 1960s when there was about 25 – 30 dwellings, as well as the school in Pandy. It currently serves about 250 dwellings.
- There has been no further development or improvement of the pipe work but there has been a significant increase in what needs to be carried in it.
- In 2013, Welsh Water had admitted that the findings of its hydraulic modelling assessment had indicated that the 150mm gravity foul sewer, serving Pandy, was hydraulically overloaded. Therefore, the system is considered not to be fit for purpose.
- In a more recent communication, Welsh Water had placed conditions on this development in that no development shall commence until a drainage scheme for the site has been submitted and approved in writing by the Local Planning Authority.
- The scheme should not allow for the disposal of foul water into the sewerage system in order to prevent hydraulic overloading of the public sewage system, to protect the health and safety of residents and to ensure no pollution.
- It would appear the pipe can cope if the amount of water entering it is reduced.
- The problem lies with the main carrier pipe.
- Homes are already being subjected to sewage overflowing.
- Without improvement to the pipe work, the significant increase in waste to be disposed will subject current residents and those who will move into the new development to increased chances of sewage re-appearing in their properties.
- The local Member asked that the Planning Committee defers consideration of the application until Welsh Water replaces the 150mm pipe to a larger size to be fit for purpose to carry away sewage for current and future homes within the area.

The applicant's agent, Francesca Sanders, attended the meeting by invitation of the Chair and outlined the following points:

- The officer recommendation of the application is for approval.

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- There are no outstanding objections from the County Council's internal consultees regarding the application.
- The site is allocated for residential development and will provide much needed affordable homes to meet the needs of the community.
- A number of concerns have been raised by local residents relating to flood risk, drainage, highways capacity and the capacity of the local primary school.
- In relation to flood risk and drainage, the flood consequences assessment confirms that the majority of the site, including all of the proposed dwellings, are located outside of the flood plain with only a small section of the access road being located within it.
- Analysis undertaken - the proposed development is assessed to be at low risk from all sources of flooding.
- A safe access and egress can be achieved for emergency services.
- During recent flooding events in South Wales the site experienced no flooding.
- In relation to drainage, Welsh Water has confirmed that there is sufficient capacity in the vicinity of the site to accommodate the proposed development.
- The issues that local residents have historically experienced in Wern Gifford were as a result of blockages within the existing system. Welsh Water is currently working to resolve this matter. These issues are unrelated to the proposal and will not be exacerbated by the proposed development.
- With regard to access and highways, the applicant is aware of local residents concerns that the proposed development will lead to additional traffic which they consider will overload the system. The transport statement confirmed that the proposed development will have minimal impact on the local highway network and there is sufficient capacity in the vicinity of the site to accommodate the proposal.
- In relation to primary school capacity, there is sufficient capacity at the local primary school to accommodate four pupils which could arise from the proposed development. There is also additional capacity at another primary school within an acceptable distance of the site.
- In terms of the design of the proposed development, the dwellings will comprise of high quality materials.
- A comprehensive Suds landscaping and green infrastructure scheme is proposed.

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- New areas of meadow will also be created to the north and south of the site achieving a net gain in terms of biodiversity.

Having considered the report of the application and the views expressed, the following points were noted:

- There is a need for affordable housing in the area.
- Officers' recommendation is for approval of the application subject to Natural Resources Wales (NRW) signing off the proposal. NRW had indicated that it would support the scheme subject to further assessments being undertaken.
- The issues regarding sewage related to a different matter and had now been resolved.
- Welsh Water has no objection to the application.
- The sewage issues within the area need to be addressed before approval of the application is granted.
- Concern was expressed that the application might not adhere to Planning Policy Wales (PPW) 10.
- If consent is granted, a Section 106 legal agreement will need to be signed to ensure the affordable housing tenure. Therefore, a decision regarding this application will not be imminent.
- Concern was expressed that the site remains in C2 flood zone and is against national and local planning policies. NRW has asked for extra time to undertake sufficient modelling to judge the accuracy of C2 flood zone.
- In response to the concerns raised, the Head of Planning informed the Planning Committee that there is a balance to be made in respect of the application. All of the buildings are located outside of the C2 flood zone. There is a small section of garden which touches the flood zone. The access is covered by the flood zone. However, NRW has stated that emergency services vehicles would be able to access the site. The buildings would be free of flooding. This is in accordance with TAN 15. Subject to NRW finding the flood modelling acceptable, this could be verified via the Delegation Panel before any consent is issued.
- In relation to the affordable housing, that will be agreed via a unilateral undertaking.
- The sustainable location of the site is key as it is in close proximity to a primary school and is on a bus route.

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- With regard to the infrastructure of the site, Welsh Water has outlined that the capacity of the development can be accommodated within the existing infrastructure.
- Surface water would not go into the existing infrastructure. That would be dealt with via a sustainable urban drainage system.
- With regard to the local primary school, as the proposed development is for affordable housing provision, the Local Education Authority would be required to address any additional capacity, in accordance with the priorities of Monmouthshire County Council.
- The Social Housing Grant allocated in this financial year for Wern Gifford equates to £1.5M.
- The current waiting list within Monmouthshire for affordable housing provision equates to over 2000 people.
- The site is an allocated site located within the Local Development Plan (LDP).
- Concern was expressed that Welsh Water should address the drainage issues that have been raised before the application is approved.
- The Head of Planning informed the Committee that Welsh Water has not objected to the application on capacity grounds and considers that the additional capacity can be accommodated and the existing infrastructure is fit for purpose. The drainage scheme will be conditioned as part of the development and officers will be working with Welsh Water to ensure that the infrastructure is fit for purpose.
- A Member asked if a pre-commencement condition could be put in place with a view to Welsh Water addressing the sewage issue as this would not affect the Social Housing Grant allocation scheduled to be received for Wern Gifford. In response, the Head of Planning Stated that Welsh Water had indicated that no problems were envisaged with the waste water treatment works for the treatment of domestic discharges from this site and the infrastructure was fit for purpose.
- It was noted that the Social Housing Grant is not a material consideration in determining the application.
- It was noted that none of the properties in Wern Gifford had flooded recently.

The local Member summed up as follows:

- There is no local objection to having affordable housing in the area.



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- There are four places available at the local primary school. However, the development will accommodate 20 families. Therefore, some children will not be able to attend the local primary school but will have to travel elsewhere.
- With regard to the sewage issue, the problem is the diameter of the pipe being too small.
- Residents' concerns should not be overlooked.
- Recent unprecedented flooding events across South Wales are a concern to the area and that the site is located in a C2 flood zone.
- The local Member asked that the Planning Committee consider deferral of the application.

The Head of Planning informed the Committee that there is a condition outlined by Welsh Water for foul drainage (not in the report of the application) which can be added. Also, the colour of the render on the proposed development could be conditioned via external finishes.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that application DM/2019/02051 be approved subject to the nine conditions as outlined in the report and subject to a Unilateral Undertaking agreement. Also that further conditions be added to address the approval of i) Foul drainage details and ii) external finishes to be approved. Approval is subject to Natural Resources Wales (NRW) finding the flood modelling acceptable and in accordance with TAN15. This is to be verified via the Delegation Panel before any consent is issued.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	8
Against the proposal	-	2
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/02051 be approved subject to the nine conditions as outlined in the report and subject to a Unilateral Undertaking agreement. Also that further conditions be added to address the approval of i) Foul drainage details and ii) external finishes to be approved. Approval is subject to Natural Resources Wales (NRW) finding the flood modelling acceptable and in accordance with TAN15. This is to be verified via the Delegation Panel before any consent is issued.

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**5. Application DC/2017/01335 - Full planning application for demolition of existing buildings and residential development with associated works. Cross Ash Garage, B4521 Hill House to Trebella Farm, Cross Ash NP7 8PL**

We considered the report of the application and late correspondence which was recommended for approval subject to the six conditions as outlined in the report and subject to a Unilateral Undertaking agreement.

In noting the detail of the application, the following points were identified:

- Support was expressed for the application as it was for affordable housing provision. However, concern was expressed that the zinc roof would not fit in with the surrounding area.
- It was noted that properties with zinc roofs were located in other areas of the County.
- Overhanging eaves should be considered on the properties.
- The local Member, also a Planning Committee Member, outlined the need for affordable housing in this location. However, concern was expressed regarding the zinc roof.
- Concern was expressed that the site might be too tight to accommodate three dwellings and considered that two larger dwellings might be more appropriate.
- In response to the matters raised, the Development Management Area Manager informed the Committee that the overhangs and roofing materials could be addressed via a planning condition. With regard to the number of affordable properties on the site, these would need to be DQR compliant in terms of their size. All properties would have external sheds for additional storage. It was noted that there was significant need for two bed affordable housing units within the area.
- A request was made for a condition to be added regarding the lintels and external roof materials to be decided by the Delegation Panel.

It was proposed by County Councillor R. Edwards and seconded by County Councillor P. Murphy that application DC/2017/01335 be approved subject to the six conditions as outlined in the report and subject to a Unilateral Undertaking agreement. Also that additional conditions be added for foul and surface water drainage details to be submitted and approved (as outlined in late correspondence). Plus a condition be added requiring approval of external finishes and details of eaves (overhangs).

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Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/01335 be approved subject to the six conditions as outlined in the report and subject to a Unilateral Undertaking agreement. Also that additional conditions be added for foul and surface water drainage details to be submitted and approved (as outlined in late correspondence). Plus a condition be added requiring approval of external finishes and details of eaves (overhangs).

#### **6. Application DC/2018/00218 - Retention of timber close boarded fence on south boundary, and raise level of no. 21 garden between 120mm and 810mm over the fence length. 21 Jasper Tudor Crescent Abergavenny NP7 9AZ**

We considered the report of the application presented for refusal for one reason, as outlined in the report.

Members had been minded to refuse application DC/2018/00218 at the Planning Committee meeting on 4th February 2020 and had agreed that it be re-presented to Planning Committee with reasons for refusal.

In noting the detail of the application the following points were identified:

- Approval of the application would set a precedent across the County.
- If the application was refused then the land would have to be returned to its original form.
- Some Members expressed support for the application as outlined at the previous Planning Committee meeting.
- The local Member outlined the history relating to this matter for those Members who were not present at the last meeting.
- The Head of Planning informed the Committee that the reason for refusal was to demonstrate the harmful effect on neighbour amenity from surface water drainage. Officers considered that the applicant had made the necessary requirements to ensure that the drainage solution put on site was acceptable.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Feakins that application DC/2018/00218 be refused for one reason, as outlined in the report.

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Upon being put to the vote, the following votes were recorded:

For refusal	-	6
Against refusal	-	3
Abstentions	-	4

The proposition was carried.

We resolved that application DC/2018/00218 be refused for one reason, as outlined in the report.

#### **7. Application DM/2019/01214 - The demolition of the existing corrugated arched tin shed and replacement by a two storey residential dwelling. Land Adjacent To 13 Fosterville Crescent, Abergavenny**

We considered the report of the application and late correspondence which was recommended for approval subject to the five conditions as outlined in the report and subject to a Section 106 legal agreement.

The local Member for Castle ward, Abergavenny, also a Planning Committee Member, considered that the application would not enhance the surrounding area. The site is too narrow and is located on a plot that is too small for the development.

Having considered the report of the application and the local Member's views, the following points were noted:

- The plot is too small for the proposed development.
- There is no space available to turn a vehicle around in order to leave the plot in a forward gear.
- The proposed development is incongruous with any other properties in the area.
- The proposed development is not suitable for the location.
- There are no reasons to refuse the application. It provides a unique home in a town location which is fully supported by the full infrastructure to the area.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that we be minded to refuse application DM/2019/01214 on the grounds that the proposed development is of incongruous form and design and is harmful to the character and appearance of the conservation area.

Upon being put to the vote, the following votes were recorded:

For refusal	-	7
Against refusal	-	4
Abstentions	-	2

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The proposition was carried.

We resolved that we be minded to refuse application DM/2019/01214 on the grounds that the proposed development is of incongruous form and design and is harmful to the character and appearance of the conservation area and that the application be re-presented to Planning Committee with appropriate reasons for refusal.

#### **8. Application DM/2019/00632 - Convert existing 4/5 bedroom detached dwelling into 2 (3 bedroom) dwellings with minor extensions. Cayo Farm, Llandenny, Usk**

We considered the report of the application which was recommended for approval subject to the 10 conditions as outlined in the report and subject to a Section 106 legal agreement.

In noting the detail of the application, it was considered to be a sympathetic plan to convert a building that is in a poor condition.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DM/2019/00632 be approved subject to the 10 conditions as outlined in the report and subject to a Section 106 legal agreement.

Upon being put to the vote, the following votes were recorded:

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00632 be approved subject to the 10 conditions as outlined in the report and subject to a Section 106 legal agreement.

#### **9. Application DM/2019/00655 - Conversion of former Quaker meeting house and adjoining barn into residential use. Unit 5, The Cayo, Cayo Farm, Llandenny, Usk**

We considered the report of the application which was recommended for approval subject to the eight conditions as outlined in the report.

In noting the detail of the application, the following points were identified:

- Barn conversions are exempt from having to pay a Section 106 financial contribution under the new Supplementary Planning Guidance.
- In response to a Member's question, it was noted that there is no condition regarding soft landscaping. The provision of an orchard could be provided without planning permission.

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- If the application was approved then an important historical building will be sympathetically preserved.
- The building is listed which is one of the reasons that the building is exempt from having to pay a Section 106 financial contribution under the new Supplementary Planning Guidance.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DM/2019/00655 be approved subject to the eight conditions as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00655 be approved subject to the eight conditions as outlined in the report.

#### **10. Application DM/2019/01761 - Residential development of 130 dwellings, associated infrastructure and landscaping. Land to east of Church Road, Caldicot**

We considered the report of the application and late correspondence which was recommended for approval subject to the six conditions as outlined in the report.

The local Member for Caldicot Castle ward attended the meeting by invitation of the Chair and outlined the following points:

- The majority of residents are opposed to the development.
- There are concerns regarding the distribution of the affordable housing units throughout the site as the units are intended to be pepper potted. However, there is a large section of affordable units situated in the new section of the site.
- Taking into account the affordable housing units that are already located within the Neddern Rise development, this abuts the area of affordable units situated in the new section of the site creating a very large concentration of affordable housing in that section of the whole area.
- There have been a number of incidents of anti-social behaviour in that area. Residents are concerned that this matter would be exacerbated by providing more single bed occupancy premises there.

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- Drainage and flooding issues are a concern for this area. Caldicot had recently flooded with some properties affected by flood water.
- The report of the application indicates that the drainage system is still to be designed. Water will stay in pipes underground except in extreme rainfall events. Concern was expressed that in extreme weather conditions the water will run off into properties, as recently experienced.
- Residents suffering from flooding will not be residing on the new development as this is located on a hill. The residents affected will be the ones who reside downstream and at the bottom of the hill.
- Attenuation basins need to be carefully looked at. Concern was expressed that they will not be sufficient to cope with extreme rainfall events.
- The County Council had passed a climate emergency policy acknowledging that extreme weather events will occur more often. The County Council has a responsibility not to make ill-advised decisions regarding this matter.
- With regard to the construction traffic management plan, there are concerns about traffic movements on and off the site. The current proposal is for all routes to go through one area on the site. However, there is potential for a second access point on the site.
- There are existing issues relating to planning and traffic movements in the Neddern Rise development which need to be solved or additional problems will occur.

Having considered the report of the application and the views expressed by the local Member, the following points were noted:

- The drainage issues should be addressed, going forward.
- Concern was expressed regarding the clustering of affordable housing units adjacent to other affordable units from a previous development.
- Caldicot Town Council had also raised concerns regarding the matters raised by the local Member.
- Concern was expressed regarding the construction traffic management plan and the impact that this will have in the morning commute / school run and afternoon school run. It was suggested that consultation be undertaken with the local Member regarding this matter to alleviate any potential problems that might occur.
- In response to issues raised, the Head of Planning informed the Committee that in relation to the construction traffic management plan, that is a separate planning application which is being reviewed by the Highways Department.

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Determination of this application will be made in due course. Some of the other matters raised are subject to other planning applications which are being considered by officers.

- Drainage matters are also being reviewed via a separate planning application.
- With regard to flooding matters, this application is not located within a flood zone. Natural Resources Wales (NRW) did not object to the planning application, neither did it object to the outline planning consent. Welsh Government had also reviewed that planning application via a call in consideration but did not call in the application.
- The development is in accordance with TAN 15 and does not have any potential implications regarding flooding.
- With regard to land drainage, this is part of a separate planning application. The runoff rates will be a greenfield rate which will be the same or similar to the current run off rate.
- The Neddern Brook did flood recently. However, it is a flood plain and is there to take away flood water within that area.
- With regard to the distribution of affordable housing, officers have worked with the developer with a view to providing pepper potting throughout the site. There is an existing area of affordable housing units in the location. Monmouthshire County Council's policy is that properties over 15 are not pepper potted. There is a boundary along the rear of the existing properties. This housing estate will not function together. It is considered that there is no issue with how the affordable housing units are distributed throughout the site. 35% of the properties on the site are affordable housing units (45 units) making it difficult to have a fully pepper potted scheme.
- Pepper potting of affordable housing units encourages inclusion within the community.
- It was considered that none of the drainage plans, under current standards, would pass. However, it was noted that the application had come forward before these approvals were required.
- Disappointment was expressed that there were only three bungalows located on the site as there is a national shortage of these properties which are in high demand.
- Reference was made to the height of the dwellings being a maximum of nine metres and how this related to existing properties within the surrounding area. In response, the heights of the properties have been carefully looked at in comparison to the existing dwellings and the levels on the site and they will not



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look incongruous. The design of the properties will tie in with existing housing development.

- The Head of Planning informed the Committee that the affordable housing units have been pepper potted throughout the site in appropriate locations providing a balanced spread of properties.
- There is a clear demarcation between the existing affordable housing units and the new affordable units.

The local Member summed up as follows:

- The pepper potting of the site is an important issue.
- Residents need to feel that they have been heard in respect of this development.
- The issues regarding antisocial behaviour have been reported to the Police.
- The local Member asked to be kept informed of developments in respect of the drainage issues, going forward.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Feakins that application DM/2019/01761 be approved subject to the six conditions as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	11
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2019/01761 be approved subject to the six conditions as outlined in the report.

**11. Application DM/2019/01839 - Modification of condition number(s): 2, 6, 13, 14 and 15 relating to application DC/2014/01226. Land rear of High Trees, Steep Street, Chepstow**

We considered the report of the application and late correspondence which was recommended for approval subject to the 14 conditions as outlined in the report.

In noting the detail of the application, the following points were identified:

- In response to a Member's question, the Development Services Manager informed the Committee that with regard to the impact of the application, it will be similar to the existing building. The top part of the building will be viewed with the

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lower levels being screened by the existing wall. The building will not be dominant or incongruous to the surrounding area.

- The local Member stated that it was a minor adjustment to the plan and supported the application.

It was proposed by County Councillor J. Becker and seconded by County Councillor P. Murphy that application DM/2019/01839 be approved subject to the 14 conditions as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	11
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/01839 be approved subject to the 14 conditions as outlined in the report.

#### **12. Application DM/2019/01879 - Alterations to outbuilding for use as a holiday let. The Haven, Gypsy Crescent, Llanfoist, Abergavenny**

We considered the report of the application and late correspondence which was recommended for approval subject to the five conditions as outlined in the report.

In noting the detail of the application, the following points were identified:

- The application is now presented as an ancillary outbuilding to the main dwelling rather than as a holiday let and therefore, a householder planning application.
- An additional condition would be required to ensure that the building is used for ancillary purposes to the dwelling known as The Haven.
- The objections to the application were related to its use as a holiday let.
- The building is a substantial improvement on what was previously in place.

In light of the new information received, it was proposed by County Councillor G. Howard and seconded by County Councillor P. Murphy that application DM/2019/01879 be approved as an ancillary domestic outbuilding and not as a holiday let and that it be subject to the five conditions as outlined in the report. Also, that an additional condition be added to ensure that the building is used for ancillary purposes to the dwelling known as The Haven.

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd  
March, 2020 at 2.00 pm**

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01879 be approved as an ancillary domestic outbuilding and not as a holiday let and that it be subject to the five conditions as outlined in the report. Also, that an additional condition be added to ensure that the building is used for ancillary purposes to the dwelling known as The Haven.

**13. Application DM/2020/00023 - Erection of 8 no. one-bedroom mews dwellings, landscaped car parking and amenity area, electrical charging point and associated works. Garages at Western Avenue, Bulwark, Chepstow**

We considered the report of the application and late correspondence which was recommended for approval subject to the 10 conditions as outlined in the report and subject to a Section 106 legal agreement as well as a being subject to a Unilateral Undertaking agreement.

In noting the detail of the application, the following points were identified:

- In excess of 20 trees are being planted across the site which will enhance the site visually.
- The proposed development will enhance the site and be an improvement to the area.
- Concern was expressed that the properties might not age well over time.
- There are areas of the site with no natural surveillance which could lead to antisocial behaviour in the area.
- A condition could be added to provide low bollard lighting within the area.

It was proposed by County Councillor D. Dovey and seconded by County Councillor M. Feakins that application DM/2020/00023 be approved subject to the 10 conditions as outlined in the report and subject to a Section 106 legal agreement, as well as being subject to a Unilateral Undertaking agreement. Also, that the revised conditions as outlined in late correspondence be added as well as providing an additional condition to provide a lighting scheme for the site covering peripheral areas and walkways.

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd  
March, 2020 at 2.00 pm**

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	9
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00023 be approved subject to the 10 conditions as outlined in the report and subject to a Section 106 legal agreement, as well as being subject to a Unilateral Undertaking agreement. Also, that the revised conditions as outlined in late correspondence be added as well as providing an additional condition to provide a lighting scheme for the site covering peripheral areas and walkways.

**The meeting ended at 5.54 pm.**

**Application Number:** DM/2019/00225

**Proposal:** Erection of a rural enterprise worker's dwelling and associated equestrian unit for dressage training and livery combined with change of use from golf course to equestrian use

**Address:** Alice Springs Golf Club, Kemeys Road, Kemeys Commander

**Applicant:** Ms. Amanda Leaker

**Plans:** Location Plan G1338-P100 - , Elevations - Proposed G1338-P05 - , Elevations - Proposed G1338-P04 - , Floor Plans - Proposed G1338-P03 - , Site Plan G1338-P02 - , Site Plan G1338-P01 - , General G1338-P00 - , Floor Plans - Proposed G1338-P10 - , Elevations - Proposed G1338-P09 - , Floor Plans - Proposed G1338-P11 - , Elevations - Proposed G1338-P07 - , Elevations - Proposed G1338-P12 - , All Proposed Plans G1338-P06 - , All Proposed Plans G1338-P08 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Bingham  
Date Valid: 21.02.2019

### **1.0 APPLICATION DETAILS**

#### **This application is presented to Committee at the request of the Delegation Panel**

1.1 The proposed development site is located within the grounds of the former Alice Springs Golf Club, Kemeys Commander, near Usk. The proposal is for the relocation of an existing equestrian centre and dwelling. The development associated with the proposal would comprise the following:

1. a rural enterprise worker's dwelling;
2. two stable blocks;
3. an indoor arena;
4. a dressage standard manege;
5. an access track from the highway via an existing access point.

1.2 The site is considered to be open countryside for the purposes of the Local Development Plan (LDP). As such, the dwelling part of the application is to be considered as a Rural Enterprise Dwelling under Welsh Government's Technical Advice Note 6 (TAN6) - Planning for Sustainable Rural Communities.

1.3 The rural enterprise worker's dwelling is proposed in association with the relocation of an existing equestrian unit for dressage training and livery near Goytre known as Park Dressage.

1.4 The existing yard was established in 2007 through the provision of dressage training and some full liveries. The relocation is proposed to enable improved facilities through the provision of an indoor arena (48m x 22m) and a specialist dressage arena (60m x 20m) with mirrored walls and additional stabling, paddocks and exercise areas.

1.5 Stabling at the existing site is limited to 12 horses in an American barn with 7.4ha of paddocks. Labour comprises the applicant and one part-time worker plus apprentice workers from Usk College Equestrian Centre. The horses are kept on a combination of part and full livery.

1.6 The applicant has worked with Carl Hester and Charlotte Dujardin, who won gold medals for dressage in the London and Rio de Janeiro Olympic Games, and now competes at Prix St.

Georges Level. The applicant also represents Wales in dressage and undertakes coaching for the national development programme for coaching excellence in equestrian sport.

1.7 The principal concern with the existing site is the presence of former poultry buildings alongside the covered arena and between which the horses have to be ridden or led in order to get to the grazing areas. The intensity of use of these buildings has increased in the past five years, creating a busy thoroughfare of vehicles associated with the businesses or delivering goods. In total there are 80 separate units located within seven redundant poultry units; a significant proportion are mechanics and car repair and car tuning businesses. These create noise, disturbance and traffic which can 'spook' the horses and lead to accidents. The training of dressage horses in particular also requires high levels of concentration and absence of sudden noises and interruptions, and the applicant feels that this conflict is seriously limiting the capacity of the business to reach its full potential.

1.8 The proposed new site is at the former Alice Springs Golf Club which went into receivership in 2016. The site land block extends to 23ha and is still set out with fairways and lakes. It is currently grazed by a tenant's sheep, as grass keep, in order to maintain the grassland in decent condition. The wider golf club extended to a total of 80ha in total. A 32.4ha portion of the golf course has been acquired by a farmer who has agreed that the applicant can have access to existing woodland paths and field perimeters for exercising the horses over a wider distance to increase fitness and stamina for competitions.

1.9 The proposed dwelling associated with the business would be sited in close proximity to the proposed equestrian buildings to allow the occupant to have easy access to stabled horses requiring attention at short notice and for monitoring. The proposed dwelling is a 4-bedroom, two-storey dwelling.

1.10 An annex to provide accommodation for visitors has been removed from the application on the advice of officers as there was no justification under TAN6 for this part of the proposal.

1.11 Panel Members wanted committee to scrutinise this proposal as it was the relocation of an entire enterprise to a site in open countryside and because there was a concern about the scale of the dwelling. These issues are addressed in the assessment of the application (Section 6) and the conclusion below.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01075	Conversion of redundant golf club house into holiday let apartments incorporating extant extension (Previous MCC Planning Approval ref: DC/2007/01376 dated: 1 May 2008).	Approved	12.09.2018
DM/2019/00225	Erection of a rural enterprise worker's dwelling and associated equestrian unit for dressage training and livery combined with change of use from golf course to equestrian use	Pending Determination	
DM/2019/01058	Installation of 180kW ground source heat pump comprising of 3 off F1345 60kW sub modules within the former Alice Springs Golf Club 'Club House' (please see related planning application DM/2018/01075)	Approved	28.08.2019
DM/2019/01254	Non-material amendment to planning consent DM/2018/01075:- Minor changes to elevations and floor plans. Minor alterations to site	Approved	04.09.2019

DC/2010/00303	All weather fun slide surface on land at Alice Springs golf club	Approved	30.06.2010
DC/2007/01376	Alteration and Extension to provide two storey bedroom accommodation	Approved	01.05.2008

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
 S10 LDP Rural Enterprise  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S16 LDP Transport  
 S17 LDP Place Making and Design

#### **Development Management Policies**

LC1 LDP New Built Development in the Open Countryside  
 LC5 LDP Protection and Enhancement of Landscape Character  
 DES1 LDP General Design Considerations  
 EP1 LDP Amenity and Environmental Protection  
 NE1 LDP Nature Conservation and Development  
 MV1 LDP Proposed Developments and Highway Considerations

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Gwehelog Fawr Community Council** – no response received.

**MCC Landscape/GI** - No objection following submission of LVIA. Conditions recommended to ensure implementation and management of landscaping.

**MCC Biodiversity** - No objections subject to conditions and control of lighting.

**MCC Environmental Health** - I am unable to substantiate a reason to object to the proposed development. However, I recommend that in view of the noise sensitive area and elevated position of the proposed development, that any granting of planning permission is subject to a condition ensuring that external works during the construction phase is undertaken during reasonable

working hours. e.g. between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturdays and no work on Sundays/ Bank Holidays or variation thereof agreed with the applicant.

SEWBREC Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Two objections received:

1. Concerned about bright security lights which we presume would be prolific based on the value of the horses and size of the proposed development. Also, if there will be lights on the entrance and along the road to the development.
2. The entrance is within sight of our cottage and the proposed road running up to the development would be on view from quite some distance, even with the proposed trees. We have a holiday cottage on site, and a part of the draw for tourists from the city is the clear night skies in this area.
3. We have concerns that this is a very large development being constructed on what is currently open countryside. Developing such areas could set precedence for other businesses to purchase countryside and develop them into working businesses.
4. The large workers dwelling also sets a precedence for other local businesses to apply for a similar dwelling; many of whom own open countryside, have a genuine need for workers dwellings, have established businesses and according to the points raised in this application, could be eligible to build this type of dwelling in open countryside.
5. The proposed entrance does not give a wide enough view for slow moving vehicles like horseboxes to pull out and will be dangerous.

Five support comments received:

1. There is a huge requirement for an equestrian training and livery facility of this calibre within the area.
2. It would offer superb training facilities and will also be providing livery to include off-road riding which is of paramount importance in the proposed location. Roads are getting extremely busy with motor bikes, cyclists, lorries and cars making hacking your horse along the road extremely dangerous to ride.
3. This would benefit local equestrians and also attract others from further afield to attending training clinics and for holidays. This would in turn support local tourism and other local businesses.
4. There are very few bridleways in this area which raises real road safety issues and real dangers for horse riders.
5. Many of the bridleways shown on the definitive map in Monmouthshire can no longer be accessed and other well established off road tracks used for years by horse riders are being closed due to issues with illegal motorbikes, and the Council has not been able to address these problems due to its limited resources.
6. This enterprise would provide a much needed new circular ride and in doing so meet Welsh Government and Monmouthshire County Council Improvement Objectives which aim to improve and increase the amount of circular off road riding in the area.
7. The applicant already runs a thriving business with high standards of animal welfare. She would provide valuable employment in an important rural industry and work in partnership with other equine based industries to attract income to this region.
8. Monmouthshire has the transport links, countryside and talent to develop into a hub of equine industry to rival the Cotswolds, with a positive impact on our environment and employment opportunities if local enterprise is supported.
9. The property is currently a sports and recreational facility, which is no longer in use.

One general comment:

1. The Council has still not posted a planning notice at the site for this application one month after it was submitted. Neighbours and community have yet to receive any request from the planning



department for comments or objections. I presume this development will be going to committee and not another delegated officers report.

NB. One site notice posted on gate to former golf course clubhouse on 26/02/2019. A second site notice as posted on the gate to be used to access the application site on 19/03/2019. Adjoining owner/occupiers notified by letter on 26/02/2019.

### 5.3 Other Representations

Independent Agricultural Consultant - Raised the following concerns/queries:

1. The enterprise presented to support the proposal is a significant expansion to the existing enterprise. The further evidence seeks to show that the extent of the proposed expansion of the existing enterprise, facilitated by the relocation, is not significant. However, I advise that the change is significant enough to be an expansion and therefore, de facto, cannot represent an existing need, which is the need required to be assessed under the tests for a permanent dwelling. The existing enterprise without that proposed expansion is not sufficient to support the proposal and although the waiting list is interesting, this does not address this point. The functional test is not satisfied.
2. The budgets accentuate this functional point further, when compared to the 4 years of past accounts. At face value, the proposed enterprise bears little resemblance to the existing, which suggests two difficulties - firstly, the extent of proposed expansion is clearly significant and secondly, the veracity of the proposed budgets is not supported by the actual past evidence of the existing enterprise. The further evidence does not address the other financial questions set out in the assessment. The financial test is not satisfied.

Applicant's Agent – Provided the following information:

- The applicant is the most highly qualified dressage trainer in Wales and is a member of the Wales dressage team – she attracts a significant following through her expertise;
- International coaches undertake clinics (teaching sessions) at her yard which in turn attract better quality horses;
- Clinics attract overnight visitors who stay in local accommodation and require hospitality services from local providers as well as food during the clinics – thereby increasing local business income; The relocation is essential as the existing site has become dangerous, with multiple hospitalisations of riders due to activities of the adjacent light industry units;
- Grazing for the horses is severely limited with no option of other grazing land;
- Safe off-site exercise opportunities are not available on the narrow lanes;
- The constraints will not allow the business, which has significant potential, to develop;
- The new site will be well screened with significant tree planting with no permanent outdoor lighting. The site will not be visible off the unit; and
- Noise and traffic will be minimal – far less than the previous use as a golf course

### 5.4 Local Member Representations

I welcome this initiative, this is an established enterprise whose financial viability will, I assume, have been established by planners.

The present location from which this enterprise operates is in my estimation inappropriate. I commented on the size of dwelling sought which I understand has since been reduced.

I am aware of local concerns related to the size and impact of proposals in a prominent location in open countryside. I consider it would be useful for the proposed locations of the development to be clearly pegged out to avoid any confusion and give clarity to the Planning Committee who presumably will be undertaking a site visit.

In conclusion: I support the proposal but it must be accommodated properly within the landscape. As a rural enterprise worker dwelling is there any special status attached to it?

## 6.0 EVALUATION

### 6.1 Strategic & Spatial Choices

#### 6.1.1 Principle of Development

Both national and local policies support appropriate economic activity in rural areas. In order to satisfy these policy provisions it must be evidenced that the enterprise needs to be located in the

countryside. It is also recognised that equestrian-related businesses should be tested under TAN6. The existing business at The Park has been operating for 12 years and it is therefore appropriate to examine the proposal under the tests laid out in TAN 6 - new dwellings on established rural enterprises.

Paragraph 4.7.1 of TAN 6 sets out the tests that need to be addressed in any appraisal that must accompany applications for rural enterprise dwellings. These will be addressed in turn below:

#### 1. The Functional Test.

"A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential."

The proposal is to increase stable numbers to 26, being split between dressage stabling and livery. In this case, the horses compete at the highest levels, and individual attention to detail is critical to ensure that each horse is prepared, trained and managed to be at the peak of its ability for specific competitions. There could also be unforeseen incidents such as a horse cast in its box or with colic, to damage to the stables from the horses, severe weather conditions or fire. One high quality brood mare is also kept on the site, which is bred to performance tested stallions in order to produce dressage horses. During foaling it is not uncommon that complications and emergencies occur.

Although CCTV cameras are to be installed that can assist in monitoring it is argued that it is not possible to monitor every horse in every box, plus horses in paddocks and all areas around the site for security. The proposed dwelling would be located close to the dressage stables so that occupants will be able to hear and/or see any issues arising in that area.

Some of the dressage horses that are proposed to be stabled at the site are worth up to £50,000 as they are competing at high levels. As such, any major injuries or fatality will damage the long term prospects of the enterprise.

Whilst liveried horses are generally not such high value, they do have a high emotional value. Loss or injury to these horses will have significant impact upon a local livery business as horse owners will lose confidence in the applicant's ability to care for their animals.

Other legislation also requires that animals are managed in a manner that accords them freedom from thirst, hunger and malnutrition, appropriate comfort and shelter, freedom from fear, and freedom to display most normal patterns of behaviour. The overall responsibility for Duty of Care for animal welfare for the horses stabled lies with the owner of the business.

In 2009 the equestrian industry and welfare organisations produced guidelines for the welfare of all horses, ponies and donkeys. This refers to the availability of staff and states at paragraph 4 that: "Sufficient staff must be provided at all times to ensure proper, regular and timely attention to all horses held".

It is considered that a need for a round the clock, on-site presence is justified in this case, particularly considering the quality and value of the horses, in relation to security in this case and the implications to the business should a loss arise as a result of an incident not dealt with promptly. On this basis it is therefore accepted that there is an essential need for an equestrian worker to be resident on site to ensure the welfare needs of the horses are not compromised as workers living off site are unable to provide the necessary and essential level of care and scrutiny.

Paragraph 4.9.1 of TAN 6 goes onto state that:

"If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. With the exception of second

dwellings on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise. If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependants last employed in a rural enterprise."

There are currently 12 stables, all of which are generally occupied, and another six horses on DIY livery which are kept at pasture due to lack of stabling. Four of the stabled horses are full-livery dressage horses with another six part-livery stabled, including one brood mare. The remaining horses are DIY livery.

Labour currently comprises the applicant and one part-time worker plus apprentice workers from Usk College Equestrian Centre. The applicant and her family will be the future occupants of the proposed dwelling.

The current labour requirement for existing horses at Park dressage site is assessed in detail in the statement submitted in support of the application and is calculated as 2.28 workers. The proposed dwelling would be occupied by one full-time rural worker. On this basis the application meets the requirements of TAN6 in respect of the labour requirement.

## 2. Financial Test.

"The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years."

It is accepted that The Park Dressage has been operating since 2007 and the enterprise is therefore existing. Over that time the horse numbers have increased and the applicant's capabilities and standing in the national dressage circuit have also grown. It is intended that the proposed relocation of the enterprise will create a better quality unit, built to international standards, which will attract high net worth clients who are investing in dressage horses.

Accounts submitted with the application demonstrate that the existing business is financially sound and has seen year on year increased profitability. The business has no long-term loans and no overdraft. Construction of the new facilities will be funded by the applicant from personal finances and the proposed dwelling will be funded by savings from past business profits of Park Dressage and a small business mortgage, which will be covered by the predicted profits. The proposed investment in the new state of the art development and the expertise of the applicant in running the venture means that the profitability is likely to continue. A five-year budget has been provided by the applicant's accountant, Guilfoyle Sage LLP which indicates that the anticipated construction of the new site and extension of facilities will contribute towards an increased annual profit.

The proposed dwelling extends to 200m<sup>2</sup> of floor area which accords with the Council's general guideline for a rural enterprise worker's principal dwelling. The 200m<sup>2</sup> floor area includes the office and utility room/shower which are directly related to the function of the rural enterprise.

The cost of construction is anticipated to be approximately £150,000; this relatively low cost is principally because the applicant's partner is involved in the construction industry and is able to supply and fit many of the building components himself. This equates to an annual payment of £9,600 for a repayment mortgage over a 25 year period. Profits generated by the business will be able to cover this sum.

Based on the information provided, it is accepted that the business is profitable and viable and is capable of being sustained into the future, with increasing employment prospects. As such it is considered that the financial test is met.

## 3. Other Dwelling Test

There are no other dwellings on the site and no buildings on the land, so there is nothing suitable for conversion. The existing dwelling at The Park is 3 miles from the site and therefore not close enough to meet the needs of security and safety of the horses. There are currently six dwellings for sale within 1 mile of the site, priced between £320,000 and £1.25m, which is considered to be too expensive for the business to sustain and also too far from the site to meet its functional needs. There is no rented accommodation within a mile of the site. The applicant states that they have been searching for a suitable property at which to relocate the business for over three years,

with increasing urgency due to the rises in incidents and accidents at The Park. Unfortunately, none of the properties were considered to meet all the requirements for the business.

The application site meets all the criteria the applicant requires to continue the business in terms of location, accessibility, acreage and the added attraction of available adjoining land over which horses could be ridden without venturing onto the highway. As such the application site is considered to be the most suitable site available to progress the business.

### 6.1.2 Good Design/ Place making

The proposed dwelling and buildings would be set on a plateau area of the former golf course, screened by existing woodland and fairways and supplemented by additional tree planting. The proximity of the dwelling to the proposed stabling area (50 metres) means that the buildings would appear as a group and also enable the proposed dwelling to perform its functional requirements in relation to the enterprise.

The proposed dwelling would have overall dimensions of 18.8m x 13.65m and would be 9.5m to ridge height. The internal floor area, which includes an office has a floor area of 200m<sup>2</sup> with a detached garage and workshop area.

The proposed stable blocks would be similar versions of steel portal framed buildings similar. Stable block 1 would be 59.2m x 9.9m (including overhang) and 4m to the ridge. Stable block 2 would be 49m x 9.9m (including overhang) and 4m to the ridge.

The proposed indoor arena is a steel portal framed building, similar in appearance to standard modern agricultural buildings. The building would measure 48m x 24m, and would be 8.3m to the ridge. The indoor arena is an enclosed building with a sliding door access to the north-east elevation. The wall to 2m would be wood panelling such as strengthened marine plywood. The upper walls would be olive green plastic-coated perforated or louvre metal sheeting which enables light to penetrate into the building but prevents the ingress of rain and wind. This product is preferred to traditional Yorkshire boarding in these circumstances because no shadows are cast onto the surface of the arena, which may disturb the horses.

Although relatively large, the proposed buildings are sited adjacent to blocks of well-established woodland on three sides. On the existing open side (south) it is proposed to plant additional native species woodland. The buildings would be roofed with natural coloured fibre cement sheets and clear roof lights.

The proposed manege would also be within close proximity to the proposed buildings. This would be 60m x 20m with the surface at the same height as the surrounding landform. The manege would be surrounded by a post and rail fence. There would be mirrors to the short (north-facing) side, which would enable the rider to assess position and movement as part of the training routine. The proposed mirrors would face north to avoid most glint or glare from the sunshine.

The external design and construction materials are similar to those found on modern agricultural buildings and will help the development assimilate into the existing rural landscape. This, together with the proposed landscaping, the proposed development is considered to meet the requirements of LDP Policy DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The nearest neighbouring dwelling is approximately 250 metres from the edge of the proposed development. While there is potential for some noise typically associated with this type of development to be audible it is unlikely that the proposed development will cause a significant increase in noise levels that would exceed the previous use as a golf course. There is no objection on the basis of noise from the Council's Environmental Health service.

The proposed development is therefore considered to meet the requirements of LDP Policy EP1.

## **6.2 Active and Social Places**

### 6.2.1 Access / Highway Safety

The sole access to and from the site is proposed via the existing entrance which served the maintenance machinery onto the former golf course. The access is directly off the Abergavenny

Road (B4598). This access offers adequate visibility in both directions.

There are no available public transport links to the site due to its isolated rural location, with the nearest public transport being bus services serving Usk, three miles to the south-east. However, given the proposed use of the site, it is unlikely that bus transport would be suitable. The proposed access track extends 510m from the entrance to the dwelling, with a 50m spur off to the equestrian buildings. The track would be 4m wide with passing places 10m in length every 100m to enable a vehicle towing a trailer to pull into the side. The entrance off the highway is wide enough to allow a vehicle to pull in whilst another is exiting the site to ensure highway safety is not compromised. The gate is set back 15m from the edge of the highway and the splayed area would be bound with tarmac or concrete to prevent the egress of material onto the public highway.

The proposed access is considered to be acceptable in terms of location and visibility. The amount of traffic that is likely to be generated is unlikely to significantly exceed that of the former golf course maintenance vehicles and as this is a relocation of an existing enterprise the impact on the wider highway network will be minimal. The proposed development is therefore considered to meet the requirements of LDP Policy MV1.

### **6.3 Productive and Enterprising Places**

#### **6.3.1 The Rural Economy**

Policy S10 of the LDP refers to rural enterprise and states that:

Development to enable the diversification of the rural economy will be permitted outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Development must re-use or adapt existing buildings where possible. The exceptional circumstances in which new buildings may be permitted outside settlement boundaries to assist in the diversification of the rural economy are set out in Policies RE1, RE3, RE6, T2 and T3. These policies are discussed in par. 6.4.1 below.

The equine industry is a significant part of the rural economy comprising almost one million horses with an estimated expenditure on those horses of £2.8 billion. There are significant physical and psychological health benefits gained from riding as well as the social aspect, so clearly horse riding is an important part of both business and leisure activities in the UK, and particularly important to the rural economy. Since the 2012 Olympics, during which Team GB had great success, there has been a significant interest in equestrianism, and dressage in particular. Between 2012 and 2015 alone there was an increase of 25% in FEI3 dressage events and a 22% increase in FEI registered dressage riders. It is the largest increase in any equestrian discipline over this period.

The significant increase in popularity of equestrianism, dressage in particular, is likely to be highly beneficial to the applicant's business as she improves her qualifications to become the most highly qualified instructor in Wales.

One of the major influences upon participants' riding opportunities is access to safe off-road riding - the BHS (British Horse Society) noted in their publication 'Equestrian Statistics' that 46% of riders would increase their riding time if there were safe off-road options. Clearly, the situation at The Park exemplifies this.

It is concluded that the relocation of this business to the site proposed would be compatible with the character of its rural location and would be positive for the rural economy, meeting the terms of LDP policies S10 and RE6.

### **6.4 Distinctive & Natural Places**

#### **6.4.1 Landscape/ Visual Impact**

The site is identified as being outside of the Usk Development Boundary in an area considered to be open countryside. LDP Policy LC1 New built development in the open countryside states that "There is a presumption against new built development in the open countryside, unless justified under national planning policy and /or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism". Currently the proposed development

may be considered as applicable to some of the exceptional circumstances.

The site is identified in LANDMAP as being of various values for Visual and Sensory (Upper Usk valley) High, Historical (Usk Valley) High, Cultural (Lower Usk River Valley) High, Landscape habitat (Farmland of West Raglan) Moderate and Geological (Bettws Newydd) High.

The Landscape visual and sensory evaluation in LANDMAP indicates that the aspect area is an attractive flat open landscape focused on the rivers with an attractive backcloth of hills and scarp slopes. The area is generally in good condition with consistent character throughout, unspoilt generally on the valley floor by intrusive development.

There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:-

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value

The construction area around the proposed dwelling and buildings is already a level surface which would require no land reconfiguration. The proposed track would mainly follow existing golf buggy tracks along contours, but would require some minor reconfiguration in places to provide adequate width for motorised vehicles. The development would not require the removal of any trees, but additional planting is proposed to provide screening of the buildings from wider views.

The proposed buildings are well screened from the surround area by woodland and topography. However, the applicant proposes to enhance this screening by providing additional native tree planting to the south of the buildings in order to obscure the site from distant views across the Usk Valley, 1.5 to 2 miles from the site. The additional areas of native woodland planting proposed are intended to provide visual containment to those parts of the development that may be visible from the wider landscape, and provide connective green infrastructure and habitat. In this regard the following is proposed:

- A) Block of native planting to 'close off' the south western end of the former fairway south west of the proposed arena building and create connectivity between existing woodlands.
- B) Areas of native planting either side of the track serving the stables to provide containment and connectivity between existing woodlands.
- C) Area of native planting south west of the proposed paddocks area to provide shelter and connectivity between existing woodlands.
- D) Area of native tree and shrub planting to extend existing woodland south westwards (where no woodland currently exists) along the upper part of sloping ground to connect with clump of existing trees to improve shelter and containment of holding paddocks.
- E) Area of native planting in the former fairway south east of the proposed arena building to screen views from a section of the public footpath to the south east, and provide connectivity between existing woodlands
- F) Native planting to create connectivity between two belts of existing vegetation on the western side of the access track.
- G) A copse of native trees to create a 'pivotal' landscape feature at the bend in the access track before it rises up the slope towards the facilities.

In addition native hedges are proposed to define the garden of the dwelling (also defined by fencing), the horse paddocks flanking the approach to the house, the field enclosure adjoining the arena, and to flank the site entrance from the B4598. Single and groups of trees may also be provided on the access approach which would reflect the 'parkland' character of the western parts of the site. The proposed planting has been shown on a landscape plan and can be secured via conditions.

The proposed buildings and facilities would be located within an elevated but discreet location which is on land rising above the Usk floodplain. The character of the site and adjoining land has been altered considerably by the extensive native planting that has taken place to define fairways on the former golf course. Notwithstanding this, the existing planting respects the character of the surroundings, and has created a strong landscape framework within which the development would be located. As a consequence any views towards the site would be limited to a small number of locations south and west of the site as views from other aspects are screened by topography and/or vegetation.

The proposed landscape and green infrastructure strategy has been developed to respect the character of the site, to screen views available towards the site and provide shelter. It also includes approximately 0.9ha. of new native woodland planting, the reinforcement and management of the existing woodlands/tree belts and more varied and connected habitats. On this basis it is considered that the proposed new dwelling and associated equestrian buildings and structures will not harm the character and appearance of the wider landscape and the proposal therefore meets the requirements of LDP Policies LC1 and LC5.

#### 6.4.2 Biodiversity

An ecological assessment was undertaken to support the application. The document includes broad assessments of the habitats, the potential for protected species to be present and initial assessments of any potential impacts on those habitats and species present. Priory wood Special Site of Scientific Interest is located on the sites north eastern boundary. The River Usk SSSI and SAC is to the west of the development site.

The ecological survey found that bats are likely to use the site for commuting and foraging purposes. It is probable that some of the trees are used for roosting purposes. No further surveys are considered to be required as all of these trees will be retained. However, a sensitive lighting plan will need to be provided and implemented to ensure there is no lighting of retained habitats.

The woodland adjacent to the site are likely suitable for dormice. However, any potential dormouse habitat will be retained in its entirety.

The survey also found that Great Crested newts may use the site for terrestrial habit during the non-breeding part of their lifecycle. All potential breeding habitat is proposed to be retained. To safeguard the potential presence of great crested newt on the development site, all work should be undertaken in line with the method statement contained in Appendix B of the ecological report. Breeding birds and reptiles should be also be assumed to use the woodland, scattered trees and scrub on the site and all work should be undertaken in line with the method statement submitted with the application. This has therefore this has been conditioned below.

New planting is proposed to improve connectivity between existing blocks of vegetation. The areas of planting will provide connectivity between the existing woodlands to the north south west and south east sides of the site, creating a connected woodland habitat. Understorey planting is to be provided within existing woodlands (including the introduction of hazel to provide potential dormouse habitat), and these areas would be brought under long term management. Planting will also contain the lighting. Areas of less frequently managed grassland will also create more diverse habitat.

No significant vegetation is proposed to be removed with the exception of four willow trees to accommodate the proposed dwelling. In addition, existing woodlands and grasslands within the site are proposed to be brought under active management. On this basis, and subject to conditions, it is considered that the proposed development meets the requirements of LDP Policy NE1.

#### 6.4.3 Water (including foul drainage / SuDS)

Foul water from the dwelling would be disposed of via a package treatment plant. This biologically processes the contents and produces treated effluent of adequate purity to be discharged to a watercourse. The treated effluent would be discharged to the watercourse on the eastern perimeter of the property.

Dirty water from the buildings would be stored in a storage tank adjacent to the buildings and would be discharged to fields during appropriate periods, utilising the nutrients for grass growth. Solid

manure would be deposited in muck trailers which would be removed from the site when full and spread on neighbouring farmland.

Given the extensive nature of the site, a private treatment works should be able to be accommodated on site without difficulty. A condition can be added to ensure the foul drainage is fully designed and constructed to an acceptable standard.

The scheme would have to comply with SuDs legislation and require separate SAB consent in respect of surface water drainage.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.5.1 Neighbours have raised concerns about the potential adverse impact of lighting on the site. Lighting should be carefully considered as it will have a significant impact on the wider landscape impact and on bats. As such a condition requiring full details and specifications of the lighting to be submitted to and approved in writing prior to commencement of development is recommended.

6.5.2 In terms of setting a precedent, any future proposals for rural enterprise dwellings would have to meet the strict criteria of TAN6. Furthermore, the development would also have to meet the requirements of LDP Policies relating to landscape impact, biodiversity, highways and residential amenity and would be assessed in its own merits.

6.5.3 In considering the functional and financial tests, the Agricultural Consultant commissioned by the Council has argued that the relocation cannot be considered as a relocation of an existing business as it is the intention to grow the enterprise. The current business is constrained by the existing site and it is considered to be entirely reasonable to wish to expand. There are examples of other successful applications to relocate and expand an existing business comparable to this application that have been approved by other Planning Authorities. Most relevant is the relocation of a suckler cow, beef and finishing unit including a dwelling in the Vale of Glamorgan where the business was constrained by building expansion opportunities. In considering this application the council accepted that the long term expansion plans of the enterprise would most likely be compromised to an unacceptable degree by the constraints of the existing location. The improvements in amenities at the application site and the certainty that would be given to the business in the new location, were considered to outweigh other concerns over the impact of the wholesale relocation.

6.5.4 In terms of the financial test, the agricultural consultant argues that the extent of the proposed expansion is significant and secondly, the veracity of the proposed budgets are not supported by the actual past evidence of the existing enterprise. In this respect, it is recognised that the existing business is constrained by its location and given the credentials of the applicant and the high value of the dressage business as a whole, it is considered that the budget projections can be accepted. Profits are likely to increase over time and further budget information provided in support of the application shows that the projected profit covers the minimum wage for an agricultural worker for the owner and the mortgage payments necessary to construct the proposed new dwelling. As such it is considered that the financial test is met.

6.5.5 Concerns regarding access have been addressed in paragraph 6.2.1 above.

## **6.6 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.7 Conclusion**

6.7.1 The agricultural consultant commissioned by the Council states that the enterprise presented to support the proposed new dwelling and equestrian buildings is a significant expansion to the existing enterprise and therefore cannot represent an existing need (required



to meet the Functional Test). This approach would prevent rural enterprises that are hindered by their present location, such as is the case in this application, from ever expanding and thereby contributing further to the rural economy. This approach has not been taken by other planning authorities in Wales and it is considered that to do so in this case would prevent the success of a unique business which will bring a significant amount of investment into the County.

6.7.2 The agricultural consultant goes on to say that the budgets accentuate this functional point further, when compared to the 4 years of past accounts. The extent of proposed expansion is considered by him to be significant and the proposed budgets are not supported by the actual past evidence of the existing enterprise. Given the constraints of the existing site, it will not be possible for the enterprise to produce the projected budget figures at this time – hence the need to relocate. On this basis, and given the credentials of the applicant, it is considered that the budgets provided are a reasonable projection and evidence that the Financial Test will be met.

6.7.3 On balance therefore, it is considered that the proposed rural enterprise meets the tests set out in TAN6 and offers benefits in relation to employment and the wider rural economy. In addition, the nature of the proposed operation is appropriate within an open countryside location, in line with both local and national policies, including Planning Policy Wales which identifies at paragraph 4.6.3 one of the priorities for rural areas is to secure "a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside."

6.7.4 The Panel Members did express some concerns about the larger size of the dwelling at 200sq.m compared to the normally accepted threshold of 150 sq.m. for a rural enterprise dwelling, (this threshold would normally enable such a dwelling to be retained as affordable to lower income rural enterprise workers in the long term). As stated earlier in the report, the 200m<sup>2</sup> floor area includes the enterprise's office and utility room/shower which are directly related to the function of the rural enterprise. These spaces would be larger than a home office and home shower area and if omitted would give a net domestic floor area of 184sq.m. That is considered reasonable in the circumstances. The alternative would be to allow an office and washing facilities as a separate building which would be more costly to the business. A condition can be added that would ensure the business's office and the utility/ showering facility are retained for business use and are not subsequently adapted to become part of the living / domestic accommodation of the dwelling.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

1 This development shall be begun within 5 years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The occupancy of the dwelling shall be restricted to: a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers, b) a person or persons who would be eligible for consideration for affordable housing under the Local Authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

REASON: To meet the needs of other rural enterprises or persons seeking affordable housing in the locality if it is no longer needed by the original rural enterprise in accordance with Technical Advice Note (TAN)6 Planning for Sustainable Rural Communities (2010).

4 No development shall take place (including ground works, vegetation clearance) until an updated Contractor's Construction Environmental Management plan has been submitted to

and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the watercourse and vegetation at the site.

5 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on any of the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
- b) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that the roost and key flightlines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

REASON: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions were added this development may not be favourably considered and would be contrary to TAN6

8 No development shall take place until a scheme of foul and surface water drainage,

including details of the proposed private treatment plant, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed before any of the buildings are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

9. The enterprise's office and utility/ showering facility shown on the ground floor plan drawing ref G1338 - P03 REV A shall be retained for business use and shall not be subsequently adapted to become part of the living / domestic accommodation of the dwelling, hereby approved.

REASON: To ensure the dwelling remains a relatively modest scale in accordance with the guidance in Technical Advice Note 6 Wales.

## **INFORMATIVES**

0 The applicant's attention should be drawn to Public Footpath No. 81 in the community of Gwehelog Fawr which runs through the site of the proposed development and crosses the site of the proposed new vehicular access.

Footpath no. 81 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place.

No barriers, structures, significant changes of level or any other obstructions should be placed across the legal alignment of the path and any damage to its surface must be made good at the expense of the applicant.

0 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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**Application Number:** DM/2019/00332

**Proposal:** Farm worker's dwelling.

**Address:** New Farm Workers Dwelling, Whitecastle Road, Whitecastle, Llantilio Crossenny, Monmouthshire

**Applicant:** Mr & Mrs B Poulton

**Plans:** Location Plan 5924/20/01A - , Block Plan 5924/20/2A - , Ecology Report Preliminary Ecological Assessment

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 11.03.2019

**This application is presented to Delegated Panel due to the local Community Council objecting to the application**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

1.1.1 The application site is located in the open countryside in the area known as Whitecastle. The application site is part of the Brook Farm, which is a calf-rearing and dairy farm enterprise and operates in conjunction with Bryn Edrych Farm, which is located 5.7 miles away. Brook Farm has 80 acres of land and two large agricultural sheds. The sheds are located near the application site, adjacent to the unnamed lane to the south west.

1.1.2 The application site itself is a section of a wider field parcel located just north of the Whitecastle Brook. Whitecastle Brook is at a lower ground level than the site and runs along a ravine which is planted with trees and hedge. The field within which the application site is located is steeply sloping with the higher ground level to the north. The application site is a naturally levelled off area of the land within the field which is located immediately adjacent to the field boundary. The boundary is a native-species planted boundary which curves around the line of White Castle Brook to the south of the site, resulting in the natural screening of the site from the unnamed lane.

1.1.3 The field has an existing farm access via the unnamed lane.

#### 1.2 Value Added

1.2.1 The application as submitted has undergone extension assessment and negotiations in respect of the case for a second dwelling having regard to TAN 6 requirements; the full discussion in relation to the TAN 6 case is detailed below under the 'Evaluation'.

1.2.2 In terms of the proposed dwelling, the initial proposal was for outline permission for a two storey dwelling. Due to the application site's elevated position it was deemed unacceptable to have a two storey dwelling and therefore the applicant was advised to provide revised minimum and maximum dimensions to reflect a single storey dwelling. The applicant revised the proposed dwelling to a bungalow and updated the associated minimum and maximum dimensions.

### 1.3 Proposal Description

1.3.1 The application seeks outline permission with all matters reserved for a single storey dwelling with the following minimum and maximum dimensions:

- Width: 7m to 15m
- Depth: 7m to 12m
- Height: 5m to 6m

1.3.2 The indicative plan shows the proposed access off the unnamed lane to the south. An access track is shown to be located alongside the field boundary to the west leading northwards to the location of the proposed dwelling.

1.3.3 Due to the application being in outline only with all matters reserved, floor plans and elevations have not been provided and the appearance of the dwelling is unknown at this stage.

### 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01250	Fodder shed (storage of hay and straw).	Acceptable	23.08.2018
DC/2007/00355	Proposed new storage building.	Approved	29.05.2007

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

#### **Llantilio Crossenny Community Council**

The Community Council objected to the application on the basis they dispute the need for a full time residential farm worker to live on site and do not believe the planning history to be correct.

#### **MCC Highways**

The Highway Authority initially objected to the application due to lack of detail. The applicant provided additional detail and the Highway Authority withdrew their objection.

#### **MCC Biodiversity**

No objection, subject to conditions.

#### **MCC Sustainable Drainage**

The Sustainable Drainage Body has confirmed that the Surface water drainage arrangement will require approval by the SuDs Approving Body (SAB).

#### **Natural Resources Wales**

NRW has not provided comments since no considerations which fall under their remit were of concern.

### 5.2 Neighbour Notification

No responses received.

### 5.3 Independent Consultant Assessment

The application submission was reviewed by an independent consultant who specialises in the assessment of TAN 6 dwellings.

In summary, the independent consultant raised the following concerns but considered the case to be borderline in respect of the relevant TAN 6 requirements. The main concerns of the independent consultant were in respect of the financial test in (criterion c) which are detailed under the relevant sub-heading below.

**a) *there is a clearly established existing functional need***

The evidence provided by applicant raised concerns that the suckler business was reducing and main focus being the calf rearing;

The functional need for the work was not considered to be proven and concerns regarding the need being artificial due to Brook Farm being split from current operation at Bryn Edrych.

Evidence not provided to demonstrate the enterprise could not be reorganised so all functional need is centred at Bryn Edrych only so if there was a functional need it would be at Bryn Edrych.

**b) *the need relates to a full-time worker, and does not relate to a part-time requirement;***

The need for 1.5 workers has been proven.

**c) *the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;***

The financial information provided showed high levels of fluctuations of loss and profit over the past 4 years.

There was insufficient profit to pay a worker in previous account provided but sufficient profits shown to pay workers in 2019.

The enterprise does not appear to be sound and remain so.

- d) *the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned;***

Evidence to demonstrate re-organisation was not possible was compelling.

The independent consultant also raised concerns with the planning history associated with the applicant.

- e) *other normal planning requirements, for example siting and access, are satisfied.***

Not relevant for the independent consultant to assess.

The independent consultant's assessment has informed the final recommendation of the application.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The site is located in the open countryside. The applicant is seeking permission for a second dwelling on an established farm enterprise. The farm is split over two sites; Bryn Edrych and Brook Farm. Bryn Edrych was purchased prior to 2011 and a rural dwelling was approved on site in 2012 and has been built out and occupied by the applicant as the primary worker. This application seeks a second dwelling to provide accommodation for a second key worker on the enterprise.

6.1.2 The development of new dwellings in the countryside is strictly prohibited by national and local planning policy unless the proposal is in accordance with Technical Advice Note 6 (hereafter referred to as TAN 6). TAN 6 is a national policy document that provides practical guidance on the role of the planning system on supporting the delivery of sustainable rural communities and, amongst other things, how the planning system can contribute to sustainable agriculture and housing.

6.1.3 TAN 6 at paragraph 4.4.1 states that new permanent dwellings should only be supported on established rural enterprises providing:

- a) *there is a clearly established existing functional need; (See paragraph 4.8.1).***
- b) *the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).***
- c) *the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;***
- d) *the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and***
- e) *other normal planning requirements, for example siting and access, are satisfied.***

6.1.4 TAN 6 also provides specific guidance on the provision of a second dwelling at paragraph 4.5 which should be considered in the application of the guidance contained in 4.4.1, referred to above. Paragraph 4.5 states that it may be appropriate to allow a second dwelling on established farms that



are financially sustainable but requirements of criteria a) and b) of paragraph 4.4.1 cannot be fully met if one of the following exceptions apply:

1. ***Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business; or,***
2. ***There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.***

6.1.5 Paragraph 4.5.3 also states that it must be demonstrated that the additional part time worker is critical to the continued success of the farm business and that the need cannot be met in any other reasonable way.

6.1.6 The applicant is not seeking to transfer management of the farm to a younger person and so only the latter exception, point 2, is relevant in respect of this application.

6.1.7 To clarify the relevant policy in respect of this application is as follows:

- TAN 6, Paragraph 4.4.1 Criteria a)-e), and
- TAN 6, Paragraph 4.5, point 2.

6.1.8 These policies are extracted below and will be addressed in turn.

#### **Paragraph 4.4.1 of TAN 6**

**a) *there is a clearly established existing functional need;***

6.1.9 Functional need is a consideration of the second dwelling exceptions under paragraph 4.5 and to avoid repetition will be discussed in more detail later in this report.

**b) *the need relates to a full-time worker, and does not relate to a part-time requirement;***

6.1.10 The application is for a second dwelling, so ignoring the exception at point 2 of 4.5, it must be shown that there is sufficient labour requirement for two full time workers and this evidence has been provided. The labour requirement evidence of a need for only an additional part time worker, as opposed to an additional full time worker, in the exception test at point 2 must also therefore be met.

**d) the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned;**

6.1.19 The site is in an isolated rural location whereby there is limited availability for suitable accommodation in the locality. The applicant has provided evidence that they have looked for suitable accommodation in the area but that there were no properties available.

6.1.20 Brook Farm has 3no. buildings, all agricultural sheds and none are deemed suitable for conversion to residential purposes. The buildings are large, utilitarian buildings which do not meet the requirements of Policy H4 of the Local Development Plan, nor would they make for a suitable residential dwelling. Moreover, the buildings are currently fully utilised and at capacity with calves.

6.1.21 Criterion d) is met.

**e) other normal planning requirements, for example siting and access, are satisfied.**

6.1.22 This is dealt with in respect of 'Other Material Planning Considerations' later in this report.

6.1.23 The assessment of the proposal against criteria c) to e) of TAN 6 paragraph 4.4.1 indicates the proposals are acceptable and in accordance with the requirements of TAN 6.

#### **Paragraph 4.5 of TAN 6**

6.1.24 There is an existing functional need for an additional 0.5 or more of a full time worker and that person is capable of receiving at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order).

6.1.25 In assessing this requirement of TAN 6 it is relevant to consider the existing functional need at the enterprise as required by criterion a) of Paragraph 4.4.1. To assess whether the functional need exists the nature of the operation needs to be understood, the level of work associated with the enterprise and, in the context of the requirements of a second dwelling, whether this generates a functional need for an additional part time worker.

6.1.26 The enterprise comprises two differing operations; suckler cows and calf rearing. The operations are predominantly run separately at each unit but the calf rearing enterprise does circulate animals to between Bryn Edrych and Brook Farm depending on the age of the animal and whether they are ready to be sold.

6.1.27 The submitted information indicates that the suckler herd has reduced significantly since 2011 and the business case put forward then to support the dwelling at Bryn Edrych (application reference: DC/2011/00979). An independent consultant assessed the case initially on behalf of the Local Planning Authority and raised concerns that the sizeable reduction in the suckler herd since 2011 from 190 animals to around 48 animals indicates that this element of the business may be winding up. Potentially, this indicated the enterprise was shifting to an alternative singular operation, rather than an expansion of the existing operation to a dual operation enterprise.

6.1.28 The applicant has advised that the level of stock fluctuated initially in 2011 due to the sale of the entire enterprise at their previous farm and the relocation to Bryn Edrych. The herd remained at 95 animals. The herd has not been expanded since this time and all progeny sold as stores. The lack of expansion in the herd has reduced the number to 48, however, there are currently 14 calves which will be added to the herd which increase the herd to over 60 animals. This aligns with the applicant's case.

6.1.29 The calf rearing enterprise is concentrated at Brook Farm. At around 5 months calves are moved to Bryn Edrych where they are finished prior to selling at market.

6.1.30 The evidence provided indicates that there is an immediate intention to replenish the suckler herd and there is an ongoing intention to grow the cattle across the whole enterprise, shown in the submitted forward budgets. It is accepted that the enterprise includes two operations and these are likely to be ongoing operations as per the evidence submitted.

6.1.31 The applicant has submitted a breakdown of the annual labour requirements of the enterprise and this equates to 949 Standard Man days which is the equivalent of 3.45 farm workers. This information indicates that there is a need for an additional worker at the site and that this is on a full time basis. The generation of additional work does not in itself indicate there is a functional need for this worker to live on site permanently. The additional worker must fulfil a functional need.

6.1.32 The functional test is defined in TAN 6 (paragraph 4.8.1) is as follows:

***A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.***

6.1.33 To summarise, for a functional need to be demonstrated there must be a requirement for the worker to be readily available at most times for unexpected situations which may arise that may threaten the continued viability of the business. It must also be demonstrated that the functional need cannot be met by an existing worker.

6.1.34 The applicant has stated that the work associated with the enterprise requires two workers to the readily available at most times. This is due to the nature of the works and regular, unpredicted occurrences that arise and regularly need to be tended to urgently to avoid potential harm to animals and the overall business. The increase in activities is due to the growth in the enterprise and primarily the diversification of the enterprise to calf rearing as well as suckler herds.

6.1.35 The full list of potential matters which could arise, and do occur regularly, are contained in the supporting information submitted by the application. Some of the matters are extracted below as examples for the purposes of this report:

- To monitor and be available for all calving events occurring at the holding and to provide intervention when required e.g. assist delivery or caesarean;
- To deal quickly with emergencies that could otherwise cause serious loss of stock or equipment e.g. trapped or escaped animals, attack, fright, accidents or theft; and
- To allow early detection of disease or illness and to deal quickly with this e.g. viral pneumonia.

6.1.36 The information provided has indicated that there is a need for an additional worker and that the nature of the works requires the worker to be readily available and that should the worker not be readily available the impact would impact on the enterprise's viability, i.e. it will result in the loss of animals which is essential to the ongoing enterprise. The forward business plan is to increase cattle but if there are significant losses of the cattle due to lack of key workers on site then the ongoing business viability will be affected.

6.1.37 Based on the information submitted, concerns have been raised by the independent consultant regarding the functional need for the additional worker to live on site and whether the need has been artificially created as a result of Brook Farm being detached from the original farm enterprise at Bryn Edrych. This has been considered at length and the applicant has produced extensive evidence to demonstrate that a genuine functional need is required.

6.1.38 The potential of an artificial need is created primarily in relation to the farming units being physically separated. The primary worker at Bryn Edrych, therefore, cannot tend to the two sites at once. The applicant has, and still is, trying to purchase land at Bryn Edrych and his first preference would have been to grow the enterprise at one location. This was not possible due to no land abutting Bryn Edrych being available for sale. Nor did any of the surrounding land accommodate the buildings required for the calf rearing business. The purchase of Brook Farm, approximately 5 miles from Bryn Edrych, was the only feasible option at the time the applicant sought to expand his established enterprise. It is considered unreasonable for the Planning Authority to conclude that the need is artificial as a result of the enterprise being split over two locations since the applicant has undertaken best endeavours to expand the existing farm without avail.

6.1.39 In light of this, it is acknowledged that it is likely a small portion of the functional need is created by the separation of the units but this is unavoidable if there is no a realistic option for the enterprise to grow in one location. The majority of the functional need is, however, due to the level of work requirements on site and the intensive and unpredictable nature of the works which would exist whether or not the enterprise was split over two locations. This is demonstrated by the man hours of work discussed earlier in this report. The functional need, therefore, is considered to genuinely exist.

6.1.40 Paragraph 4.5 of TAN 6 also requires that the worker obtains at least 50% of a Grade 2 Standard Worker salary. The profits shown in the business show that there is sufficient profit in both 2018 and 2019 to pay a Grade 2 agricultural worker.

6.1.41 It is concluded that the current enterprise does generate the need for an additional worker on at least a part time basis.

6.1.42 Paragraph 4.5.3 also states that it must be demonstrated that an additional part time worker is critical to the continued success of the farm business and that the need cannot be met in any other reasonable way.

6.1.43 As discussed above, there is an accepted functional need for the second part time worker. It must also be considered if the additional worker is critical to the success of the farm business and whether there is any other reasonable way in which the need can be met.

## **Critical Need**

6.1.44 There is a demonstrable functional need which the Authority has accepted, as discussed above. It is the view of the Authority that the additional worker is critical to the continued success in light of the amount and nature of the work at the enterprise and due to the enterprise being split over two locations.

## **Alternative Reasonable Options**

6.1.45 The applicant has demonstrated that there are no properties in the locality which could accommodate a worker and also be affordable to a farm worker and, therefore, an alternative off-site option does not exist.

6.1.46 It must also be assessed whether reorganisation of the farm operation could result in functional need being met by the existing primary worker at Bryn Edrych or whether a reorganisation of Bryn Edrych would result in a second dwelling being better placed within the existing farm complex at Bryn Edrych. These matters were raised for consideration by the independent consultant and additional information to address these concerns was submitted by the applicant.

6.1.47 The site history at Bryn Edrych indicates that additional farm buildings have been built at the farm since the farmhouse was built which are at full capacity and currently used for the beef suckler herd.

6.1.48 Brook Farm has 2600m<sup>2</sup> of buildings which are currently used to accommodate the calves associated with the calf rearing enterprise.

6.1.49 The independent consultant has suggested that the buildings at Bryn Edrych could be reorganised or pens erected to accommodate the calves which would allow Brook Farm to be used for less intensive work which would not require a worker to be readily available. This would require additional travel between sites to move animals around which would be inconvenient, however, inconvenience does not add to the functional need outlined by TAN 6.

6.1.50 The applicant has countered this, stating that the existing buildings at Bryn Edrych are at full capacity. Despite this, even if they were vacant, their adaption would not be suitable for calf rearing and there are animal health concerns combining the beef suckler herd with the calf rearing. Furthermore, there are significant financial implications to re-organising the enterprise which would enable the operation of Brook Farm to be relocated to Bryn Edrych. The applicant has quantified the re-organisation of farm as costing between approximately £300,000 to £370,000 in new farm buildings (including the planning application fee) and this does not include professional services, labour, or service connections. These costings are based on 3m<sup>2</sup> per animal. This is a significant cost which would far outweigh the development of a dwelling. It is not considered reasonable to require the re-organisation of the enterprise at Bryn Edrych at considerable expense when the buildings required are already in place at Brook Farm.

6.1.51 Notwithstanding this, the functional need of an additional worker is accepted by the authority and this need is only considered to be affected by the separation of Brook Farm from Bryn Edrych to a small degree. The re-organisation of the Bryn Edrych would not be likely to reduce the level of work or diminish the need for the additional worker to be readily available on site on a least a part time basis (as per the TAN 6, paragraph 4.5 test). The need for a second worker to live on site would, therefore, remain despite re-organisation of Bryn Edrych. As such, it is not considered sensible or reasonable to require the re-organisation of the enterprise at significant cost to the business when the main need for the additional worker is at the Brook Farm element of the enterprise.

6.1.52 On balance, there is not considered to be an alternative reasonable solution to meet the needs of the business and it is considered the development of a second dwelling on the site proposed would be reasonable.

## **Other Matters relating to TAN 6**

6.1.53 The independent agent raised concerns regarding the planning history relating to the applicant and in particular the previous farm owned before the purchase of Bryn Edrych (New House Farm) which included an agricultural dwelling that was then sold. Bryn Edrych was purchased and a new dwelling developed at this farm. Following this, Brook Farm was purchased with no existing dwelling and now permission is being sought for a second dwelling at that location.

6.1.54 The applicant was asked to clarify the history of the applicant and they confirmed the following:

- The applicant sold his dairy farm in Somerset in 2007;
- He purchased a council small holding in 2007 as a 'stop gap' whilst looking for a property in Monmouthshire;
- Bryn Edrych was purchased in 2008 with 96 acres and buildings and a further 60 acres of bare land purchased 15 miles away (in Llandenny) to add to the holding;
- Once permanent permission was granted for a dwelling at Bryn Edrych the applicant sold the council small holding to purchase Brook Farm with 80 acres; and
- The land in Llandenny was also sold so the enterprise could be consolidated at Brook Farm.

6.1.55 TAN 6 advises that were there are concerns over planning abuse, the history of the enterprise can be considered and whether a pattern of abuse exists. The application for the new dwelling at Bryn Edrych indicated the applicant's intention was to grow the enterprise at Bryn Edrych and provide additional buildings at Bryn Edrych.

6.1.56 Planning history in relation to Bryn Edrych indicates that the applicant has grown the enterprise at Bryn Edrych and 1680m<sup>2</sup> of buildings have been provided. At the time of the submission, the applicant indicated that land they held at other locations to grow the business beyond Bryn Edrych. Brook Farm was purchased and other land held elsewhere was sold off, since by then the buildings required were on site for the calving business and Brook Farm was closer to Bryn Edrych than the other land (around 6 miles closer than the land at Llandenny).

6.1.57 The planning history does accord with the intentions indicated in application DC/2011/00979. Whilst it is accepted that the applicant has not purchased land with a dwelling on, the evidence submitted in relation to the search for land in the vicinity of Bryn Edrych indicates that an equivalent alternative holding was not reasonably available. It is concluded the planning history is logical and reasonable and there are no concerns of planning abuse.

## **Occupancy Condition**

6.1.58 The proposed dwelling is only acceptable in the countryside location as a result of it being required in association with agriculture and, therefore, it is essential that the dwelling's occupancy is tied to rural enterprise to ensure it remains available for agricultural workers or a rural enterprise worker.

## **Conclusion: Principle of Development**

6.1.59 Based on the evidence provided, it is considered the proposed case provides sufficient evidence to support the need for a second dwelling in accordance with TAN 6.

## **6.2 Visual Impact**

6.2.1 The application site is an elevated position and the development of a dwelling would have a visual impact but it is necessary to ensure the impact would not be harmful. The application site comprises a small section of larger field located adjacent to the field boundary. The field boundary naturally curves around the White Castle Brook and then insets to the west, where the application site is located, before the boundary tracks back out to the east. The natural line of the boundary creates a small, enclosed area where the application site lies which is further screened by the site's natural boundaries. Whilst the site has natural screening, as described, the elevated position results

in it being sensitive and, therefore, any development of the site needs to be very carefully considered. The proposed dwelling as initially submitted was a two-storey dwelling. This was considered unacceptable. It is considered that a modest, single storey dwelling is more appropriate to avoid visual harm. As such, the proposed dimensions of the dwelling have been revised from those as originally proposed to ensure the dwelling remains modest and is limited to a maximum of 6m in height. The reduced scale of the dwelling is considered acceptable and will limit visual harm to the landscape. The scale and form of the dwelling is not yet confirmed, since the application is made in outline only. It is considered a dwelling, within the scope of the dimensions proposed, allows for a small scale dwelling which would be acceptable at the application site.

6.2.2 The dwelling design is not yet confirmed, since the application is made in outline only. The design will need to be sensitively designed, sympathetic to the rural location and materials should be high quality, traditional materials. This is discussed below under 'Good Design and Place Making'.

6.2.3 There is also concern the proposed domestic curtilage, boundary treatments, parking area and other associated domestic development could have an adverse visual impact. The application, being in outline only, does not include full details of the proposed curtilage, however, the indicative plan shows an area for a garden. The area shown is considered acceptable but will be required to have landscaping around the full site periphery within the red line boundary proposed i.e. within the rear garden area. The necessary landscaping will be secured via the reserved matters application in relation to landscaping.

6.2.4 The application does not include any details of boundary treatment and it is essential they remain low scale and in keeping with the rural setting. A condition requiring the details of the boundary treatment will be imposed to ensure the final details are acceptable and in keeping with the sensitive location.

6.2.5 To conclude on visual impact, the development of a dwelling will change the landscape and, therefore, will have an impact. The proposed dwelling is restricted in size and small scale and located in a discreet location and, therefore, its impact will not be harmful subject to a detailed landscaping scheme and acceptable boundary treatment which will be secured via the reserved matters and planning conditions.

6.2.6 The principle of a dwelling at the site is deemed acceptable in respect of its visual impact in accordance with Policy DES1.

### **6.3 Good Design and Place Making**

6.3.1 Since the application is made in outline with all matters reserved the final design of the house has not been provided at this stage. Given the site's countryside location it will be necessary that the design is sympathetic to the surroundings and integrates well with the landscape. The proposed materials must be high quality and in keeping with the rural location. A condition requiring samples of the proposed external materials will be imposed on the planning permission to ensure a high quality scheme is secured.

6.3.2 Appearance is reserved for later consideration, and, therefore, the design can be fully controlled at reserved matters stage. Based on the information provided at this stage and having regard to the agreed dimensions, an acceptable design solution is achievable at the site in accordance with Policy DES1.

### **6.4 Highway Impact**

6.4.1 The indicative access is proposed via the exiting access point off the unnamed lane to the south. An access track leads from the access point parallel with the unnamed lane before turning northwards towards the proposed plot. The access track will remain as a two tyre tracks with a grassed central strip.

6.4.2 In terms of parking, this has not been indicated yet, but the proposed curtilage is large enough to facilitate sufficient parking provision to serve the dwelling.

6.4.3 The Highway Authority initially objected to the application based on the lack of detail submitted with the application in terms of visibility splay and parking provision. The applicant provided additional details of how the access would be capable of meeting the necessary requirements in terms of visibility splay. The Highway Authority was re-consulted and raised no objection to the proposed development.

6.4.4 The development is considered capable of providing an acceptable access, the detail of which will be agreed at reserved matters stage, which would not compromise highway safety in accordance with Policy MV1.

## **6.5 Biodiversity Considerations**

6.5.1 The application site is located in the open countryside, it is a grassed field with natural boundaries and in proximity to White Castle Brook. Given the site's natural features, it has potential for biodiversity value which could be impacted by the proposed development. To assess the impact of the development on the natural features a Preliminary Ecological Assessment (PEA) was submitted in support of the application.

6.5.2 In summary, the PEA identified the grassland, hedgerow, White Castle Brook, Trees and bat foraging and commuting as priority habitats.

6.5.3 The Biodiversity Officer has assessed the PEA in the context of the sites and its features and made the following observations.

6.5.4 The proposed grassland was deemed acceptable for loss but improvements to the wider site grassland should be undertaken.

6.5.5 The indicative plan indicates that no hedgerow will be lost, however, it may be that some small areas of hedgerow are lost to facilitate access and the necessary visibility splays. Hedgerow is a Priority Habitat and in accordance with LDP Policy NE1 and the Environment (Wales) Act 2016 and, therefore, loss of the hedges should be minimised and where their loss is unavoidable then compensation the loss will be required and undertaken under an agreed Construction Method Statement due to the potential for nesting birds, reptiles and dormice.

6.5.6 In accordance with PPW 10 the applicant should consider a hedgerow inside of the proposed wire and post fence; this will provide net benefit for biodiversity.

6.5.7 There is potential for pollution during construction which could affect the White Castle Brook and, therefore, the works will need to be undertaken in adherence with an agreed Construction Method Statement to ensure the protection of the watercourse.

6.5.8 There are a number of large trees within the hedgerow and these will need to be protected with appropriate Root Protection measures. This should be informed by an assessment.

6.5.9 In terms of bats, the site is likely to be used by foraging and commuting bats and the records show there is an important lesser horseshoe bat roost in proximity to the site. The tree and hedgerow line and Whitecastle brook to the west of the proposal are likely to be important as foraging and commuting routes and we will need to ensure that this vegetative corridor remains a dark area so that potential flight lines are not impacted.

6.5.10 The Biodiversity officer concluded that the development was acceptable subject to biodiversity enhancements suggested in the PEA together with the following planning conditions:

- Lighting Plan
- Construction Method Statement
- Biodiversity Enhancements (detailed above); and
- Landscaping Plan.



6.5.11 The above requested conditions will be imposed.

6.5.12 The proposed dwelling is acceptable in terms of the impact on biodiversity, subject to conditions, in accordance with Policy NE1.

## **6.6 Affordable Housing**

6.6.1 Policy S4 requires 35% affordable housing contribution in respect of new residential dwellings created in rural areas. Due to the property being a rural enterprise dwelling an affordable housing contribution is not required, although the dwelling occupation must be tied to be a rural enterprise dwelling only (or if demand for this is not evidenced the dwelling must be made available as an affordable housing unit).

## **6.7 Sustainable Drainage**

6.7.1 The proposed development will require consent from the Sustainable Drainage Approval Body (SAB) since the construction area is over 100m<sup>2</sup>. The SAB consent is a separate process to the planning process and will need to be obtained prior to works commencing. An informative advising the applicant of this requirement will be added to the permission

## **6.8 Response to the Representations of Third Parties and/or Community/Town Council**

6.8.1 Llantilio Crossenny Community Council objected on the following grounds which will be addressed in turn below.

Dispute the need for a full time residential farm worker to live on site

6.8.2 The applicant has provided extensive and robust evidence which has been scrutinised and the conclusion is that there is a need for a second dwelling and that the policy tests set out in TAN 6 are met.

Believe the planning history to be incorrect.

6.8.2 The planning history of the applicant has been assessed in detail and it considered to be correct.

## **6.9 Well-Being of Future Generations (Wales) Act 2015**

6.9.1 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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.10 Conclusion**

6.10.1 The principle of developing a small scale, single storey dwelling is necessary for this rural enterprise and is acceptable in accordance with TAN 6.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

- 1 This development shall be begun within 5 years from the date of the Outline permission or within 2 years of the date of approval of the last of the reserved matters to be approved whichever is the later.

REASON: To Comply with Section 92 of the Town and Country Planning Act 1990.

- 2 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

- 3 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

- 4 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 5 The proposed boundary treatments shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 6 The dwelling hereby permitted shall not be no higher than 6m in height.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 7 The finished floor levels of the dwelling shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed levels unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes lighting type and specification, protecting roosting and foraging/commuting habitat for bats has been agreed in writing with the LPA.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

- 9 No development, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include:
- 1) details of measures to protect the watercourse from incidental pollution during development
  - 2) details of the measures to safeguard nesting birds, reptiles and dormice

The construction Method Statement shall be completed in consultation with an appropriately experienced ecologist.

Reason: To safeguard the biodiversity interest of the watercourse in accordance with LDP policy NE1 and to safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)

- 10 No development shall take place (including demolition, ground works, vegetation clearance) until a scheme of Ecological Enhancement is provided which provides biodiversity net benefit. The scheme shall be based upon the recommendations of the submitted ecology report "Preliminary Ecological Assessment- Project: Farm Workers Dwelling, Whitecastle, Monmouthshire dated 18th March 2019 produced by Ecological Services Ltd" and include enhancements for bat species and details of the future management and an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To mitigate and compensate for the loss of habitats in accordance with LDP policy NE1 and to provide ecological net benefit on the site as required in Planning Policy Wales Edition 10.

- 11 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details should include the following;

-Soft landscape details shall include details of hedgerow and tree planting including planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.  
-Hard Landscaping

Reason: To compensate for the loss of habitats in accordance with LDP Policy NE1 and Environment (Wales) Act 2016 and to provide ecological net benefit on the site as required in Planning Policy Wales Edition 10.

- 12 The occupancy of the dwelling hereby approved shall be restricted to those:
- a. solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;
  - b. who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);
  - c. widows, widowers or civil partners of the above and any resident dependants

REASON: New dwellings in the countryside are unacceptable unless necessary for rural enterprise as required by TAN 6

## INFORMATIVES

- 1 Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately (0300 065 3000).
- 2 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. You are advised to remove any rubble stone etc. currently on site by hand and clear vegetation by hand (further advice available in MCC Reptile Information Note). If reptiles are found at any time during clearance or construction, all works should cease until the reptiles have safely dispersed from the working area.
- 3 Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
- 4 SAB Approval - The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk) so we can update our records accordingly.

**Application Number:** DM/2019/01062

**Proposal:** Proposed conversion and extension of former cow byre and lambing shed into two residential units 6 & 7

**Address:** Units 6 And 7 Cayo Farm, Llanvecha Road, Llandenny, Usk

**Applicant:** Mr. William Jones

**Plans:** Site Layout 1247.07 - , Floor Plans - Proposed 1247.08 - , Elevations - Proposed 1247.09 - , Cross Section 1247.10 - , Location Plan 1247.11 - , Floor Plans - Existing 1266[BD]05 - , Elevations - Existing 1266[BD]06 - , Elevations - Existing 1266[BD]07 - , Bat Survey P955.6 Bat Survey Report The Cayo Barns V5 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Bingham  
Date Valid: 14.11.2019

**This application is presented to Planning Committee as the applicant is related to an Elected Member**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

The application site relates to a group of farm buildings within the open countryside south of Raglan. Originally a working farm with a large farmhouse, the application building is a former cow byre and lambing barn which is grade II listed by association as one of the final notable periods of development at this farm complex.

The main long barn and meeting house are redundant, dilapidated and currently classified as 'vulnerable' and 'at risk' respectively on the authority's Building's at Risk Register. A consent including the principle of conversion to domestic dwellings has already been granted in 2017. It is considered that the most sustainable option which will ensure their long-term preservation is to convert all of the barns on the site into residential use.

### 1.2 Value Added

Various amendments have been made to satisfy the requirements of the Council's Heritage Officer and Biodiversity Officer as well as NRW.

### 1.3 Proposal Description

The application proposes to convert the cow byre (referred to as Units 6 and 7 on the plans) into a two dwellings. This application differs from a previous consent for conversion of the curtilage listed building because of the following changes: -

- The addition of an additional external stone staircase
- The extension of the barn to its rear north-western corner
- Removal of a small section of inner courtyard wall for pedestrian access

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00632	Convert existing 4/5 bed detached dwelling in to 2 (3 bed) dwellings with minor extensions.	Withdrawn	10.03.2020
DM/2019/00655	Conversion of former Quaker meeting house and adjoining barn into residential usage.	Approved	28.04.2020
DM/2019/00656	LBC - Conversion of former Quaker meeting house and adjoining barn into residential usage.	Approved	22.05.2020
DM/2019/00840	Discharge of condition 7 (written scheme of investigation) relating to application DC/2016/01381.	Approved	24.06.2019
DM/2019/00950	Discharge of condition no.8 of planning permission DC/2016/01381 (bat method statement)	Approved	01.08.2019
DM/2019/01061	Conversion and minor extension of curtilage cow byre & lambing shed to 2no. residential units (6 & 7) – application for listed building consent	Pending Consideration	
DM/2019/01062	Proposed conversion and extension of former cow byre and lambing shed into two residential units 6 & 7	Recommended for approval	
DM/2019/01311	Discharge of condition 7 (W.S.I.) relating to application DC/2016/01381	Approved	10.09.2019
DM/2019/01312	Discharge of condition 6 (photographic survey) relating to application DC/2016/01379	Approved	26.11.2019
M04640	Twin Track Concrete Road From Public Lane To Farmhouse.	Permission Required	26.04.2000

DC/2016/01381	Proposed conversion of former Quaker meeting house and attached long agricultural range into two dwellings. Single storey cow byre and lambing barn proposed to be converted into a single dwelling including demolition of timber framed cattle shed. Alterations to structure externally and internally including new roof finishes, windows, doors, floors and fittings associated with conversion to residential premises.	Approved	11.10.2017
DC/2016/01379	Proposed conversion of former Quaker meeting house and attached long agricultural range into two dwellings. Single storey cow byre and lambing barn proposed to be converted into a single dwelling including demolition of timber framed cattle shed. Alterations to structure externally and internally including new roof finishes, windows, doors, floors and fittings associated with conversion to residential premises.	Approved	11.10.2017

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision

S4 LDP Affordable Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

#### **Development Management Policies**

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use

DES1 LDP General Design Considerations

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Raglan Town Council** - No objections

**MCC Biodiversity** - No objections subject to conditions.

**MCC Heritage** - Concurrent Listed Building Consent application recommended for approval.

**Natural Resources Wales** - Require conditions relating to mitigation for European Protected Species.

**Glamorgan Gwent Archaeological Trust** - Request a programme of building recording (already completed).

### 5.2 Neighbour Notification

No comments received.

## 6.0 EVALUATION

### 6.1 Strategic & Spatial Choices

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The building is redundant and not suitable for business use due to the long narrow private access track that serves it as well as the fact that there is an existing farmhouse on the site. It is also unsustainable having little or no access to public transport. Although the building is deteriorating, it remains structurally sound and capable of conversion with no need for rebuilding or extension.

Being listed for its historic importance, the building is clearly of traditional construction and therefore considered to be suitable for development under Policy H4 of the Local Development Plan (LDP) subject to detailed design considerations and other policies in the LDP.

Under LDP Policy S4, financial contributions towards affordable housing provision are sought for new residential development. However, the adopted supplementary planning guidance clarifies this and excludes conversions of listed buildings when providing up to four dwelling units as the works are almost always economically unviable with the contribution. Moreover, the key priority is to restore the heritage asset itself which is a significant benefit to the County's character and attractiveness.

#### 6.1.2 Good Design/ Impact on Listed Building

The property was curtilage listed in 2001, in association with the grade II [24742 (1&2)] 'early meeting-house, added to an earlier agricultural range of fine double barn and stable of early C18 date, an unusual development.' (Cadw, 2001). Although the cow byre and barn to the west of the main meeting house (which are the subject of this proposal), appear of a different (potentially later Victorian) period of build to the main house, they do relate to the transition from arable to pastoral farming, associated with such complexes; providing historic and evidential value of the farm's development. As such both the external massing, materials and general plan of the working complex are to be retained essentially unchanged.

The proposed addition of a rear minor extension was based on an existing remaining full height wall, set off to the far north-west corner; indicating some form of a purpose and structure within that area. Although speculative, it is considered a reasonable assumption for reinstatement of this structure and of low impact on the existing barn by virtue of its small scale and inward-facing location at the far west of the site. The extension is also considered to be 'minor' and therefore accords with LDP policy H4.

In summary, the conversion seeks to make safe the existing fabric of the barn whilst retaining the building's contribution to the special interest of the group. The development is therefore considered to be in keeping with the aims and objectives of the guidance and legislation in relation to listed buildings and also LDP Policies H4 and DES4



### 6.1.3 Impact on Amenity/ Promoting Healthier Places

There are no neighbouring dwellings outside of the Cayo Farm site that are within close proximity to the site that could be affected by the proposed conversion. In terms of closer neighbour impacts, the group of barns are generally in a linear form meaning that window to window overlooking will be avoided. The proposed development will not adversely affect residential amenity and therefore meets the requirements of LDP Policy EP1.

## 6.2 Active and Social Places

### 6.2.1 Sustainable Transport Hierarchy

The site is outside any settlement meaning that in terms of public transport and active travel, it is not considered to be particularly sustainable. However, given that the conversions will ensure the future preservation of historically important buildings, it is considered that the creation of two new dwellings at this location is appropriate in planning terms.

### 6.2.2 Access / Highway Safety

The proposal will utilise the existing access track to the site which has an established junction with the main highway. Parking is to be provided for the proposed new dwellings in accordance with the Monmouthshire Parking Standards at one space per bedroom (up to a maximum of three). This will comprise three spaces each to the front of both dwellings. The proposal therefore meets the requirements of LDP Policy MV1.

## 6.3 Productive and Enterprising Places

The proposal is not suitable for business use as identified above.

## 6.4 Distinctive & Natural Places

### 6.4.1 Landscape/ Visual Impact

The sensitive conversion of the building will have a minimal impact on the wider landscape.

### 6.4.2 Biodiversity

Updated bat surveys were undertaken in August and early September 2019 to inform the current planning applications. The update identified nearby buildings as a confirmed roost for various bat species. The mitigation identified in the submitted bat report is considered to be acceptable by the Council's Biodiversity Officer and the additional measures identified at section 6.3.7 for additional access points are welcomed. These will need to be secured by condition.

The development will need to be subject to a licence from NRW before work can commence at the site. As a licence is required, the Local Planning Authority has considered the 'Three Tests' for European Protected Species. The Council as LPA need to consider tests i) and ii); test iii) has been considered by NRW:

*(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

Planning Authority Response: The building is currently redundant and is falling into a state of disrepair. If this were to be allowed to happen then not only would the listed building be lost which is of historic value, but the bat and barn owl roosts would also be lost. The conversion of the building would also provide housing and will add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

*(ii) There is no satisfactory alternative*

Planning Authority Response: The development is necessarily site specific. The do nothing scenario has been considered and would result in the loss of the building as outlined above.

part of the consent. Two barn owl pellets were also found in the loft space of an adjoining building as well as two little owl feathers and a barn owl was observed inside the loft space of an adjacent building in 2016. The building was also noted to be used by other bird species, with three active nests identified. The recommendations and details of the submitted report are acceptable and should be secured via condition.

## **6.5 Well-Being of Future Generations (Wales) Act 2015**

6.5.1 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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

1 This development shall be begun within 5 years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered and would be contrary to LDP Policy H4.

4 No part of any wall of the existing building other than shown on the approved plans is to be demolished.

REASON: This conversion is granted having regard to LDP Policy H4 which relates to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy H4.

6 Bat Mitigation shall be provided in strict accordance with the measures described in Sections 6.2-6.3 'Bat and Nesting Bird Survey Report', prepared by Acer Ecology, reference: P955.6, dated November 2019. In addition to those features illustrated on drawings entitled, 'S.E + S.W Elevations proposed', drawing number: 1247.04, prepared by Lyndon Bowkett Architectural Designs, dated April 2019 and 'NE + Part NW Elevations proposed', drawing number: 1247.05, prepared by Lyndon Bowkett Architectural Designs, dated April 2019.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

7 Bird mitigation shall be provided in strict accordance with the measures described in Sections 6.2-6.5.2 and Appendices 15-19 of the submitted 'Bat and Nesting Bird Survey Report', prepared by Acer Ecology, reference: P955.6, dated November 2019.

REASON: To safeguard species protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), including Sch.1 species and to mitigate for loss of habitat.

8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
- b) measures to minimise light spill from glazed areas
- c) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that the roost and key flightlines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

REASON: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

## **INFORMATIVES**

0 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

0 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September

0 We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats [amend if another species is involved]. Please note that the granting of planning permission does not negate the need to obtain a licence.

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**Application Number:** DM/2019/01214

**Proposal:** The demolition of the existing corrugated arched tin shed and replacement by a two storey residential dwelling

**Address:** Land Adjacent To 13 Fosterville Crescent, Abergavenny

**Applicant:** Mr. Mike Giles

**Plans:** Location Plan Location Plan - , Heritage Statement Heritage Impact Assessment - , Design and Access Statement Design, Access and Planning Statement - , All Drawings/Plans MG - 01 - ,

## **RECOMMENDATION: REFUSE**

Case Officer: Ms. Kate Bingham  
Date Valid: 29.07.2019

### **1.0 APPLICATION DETAILS**

This application was presented to Planning Committee on 3rd March 2020 with a recommendation for approval. This was not accepted by Members who were concerned about the size of the plot and the resulting appearance of the dwelling.

The application is therefore represented for refusal for the following reason:

1. By virtue of the small and narrow plot size, the proposed development is considered to be of incongruous form and design and will not therefore preserve or enhance the character and appearance of the Abergavenny Conservation Area and will be harmful to visual amenity. This is contrary to Local Development Plan Policies HE1 and DES1.

## **PREVIOUS REPORT**

**This application is presented to Committee at the request of the Council's Delegation Panel who met on the site on 15th January 2020**

### **1.0 APPLICATION DETAILS**

1.1 This application seeks to remove an existing concrete block and corrugated iron building and replace it with a two-bedroom dwelling. The site occupies a parcel of land between the Edwardian semi-detached property, number 13 Fosterville Crescent and the more modern dwelling occupying the corner plot, number 14. The site is long and narrow, stretching the distance between Fosterville Crescent and Belmont Crescent. The site is situated within the Development Boundary as designated by the Local Development Plan. As such, the principle of a new dwelling is acceptable subject to other relevant policies and material considerations. Notably, the site is also within the Abergavenny Conservation Area and so will be expected to preserve or enhance the character and appearance of that designated area.

1.2 The existing structure is in a somewhat dilapidated state and is currently used for storage only. However, the existing access remains and the area in front of the garage building has been used for parking.

1.3 The dimensions of the existing structure from existing ground level are:

Floor area - 54.7m<sup>2</sup>

Height to eaves - 2.14 metres  
Height to curved ridge - 3.37 metres

1.4 The dimensions of the proposed dwelling from excavated ground level:

Floor area - 75.4m<sup>2</sup>

Height to eaves from DPC (min 150mm above ground level) - 3.67 metres  
Height to ridgeline from DPC (min 150mm above ground level) - 5.76 metres

1.5 The proposal has been amended since it was submitted following discussions with officers and has sought to address design concerns.

1.6 There is a concurrent Conservation Area Consent submitted for the demolition of the existing garage which is recommended for approval. There are no other constraints such as flood zones or other designations.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2011/00946	Demolition of corrugated iron workshop/garage and erection of new single storey dwelling.	Refused	19.12.2012
DC/2016/01239	Demolish existing garage in anticipation of erection of dwelling.		Withdrawn 11.01.2017
DC/2016/01374	Demolish existing garage in anticipation of erection of dwelling.		Withdrawn 08.12.2016
DC/2016/01004	Demolition of an existing workshop and garage and them erection of a mews type house.		Withdrawn 23.11.2018

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision S4  
LDP Affordable Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S12 LDP Efficient Resource Use and Flood Risk

#### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
HE1 LDP Development in Conservation Areas DES1  
LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
SD4 LDP Sustainable Drainage  
EP5 LDP Foul Sewage Disposal

### 4.0 NATIONAL PLANNING POLICY Planning

#### Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Abergavenny Town Council** - Object on the following grounds:

This proposed building does not conform with LDP Policies DES1 and HE1. The materials are not appropriate to the setting. The size and shape of the plot does not lend itself to a residential property and consequently the design being proposed offers poor quality accommodation. The ground floor is partially sunken creating a dark ground floor space and accessibility to and around the property and garden are poor. The restricted size and shape of the building i.e. long and narrow restricts design opportunities. At the minimum this application should be considered by the delegated panel.

**Dwr Cymru- Welsh Water** - Advise that development will be subject to SAB approval. Suggest condition requiring a drainage plan prior to commencement of development.

**MCC Heritage** - No objection to demolition or replacement.

**MCC Highways** - Objection withdrawn following the submission of additional information in relation to the existing access.

**MCC SuDS Approval Body** -Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.



### Neighbour Notification

Four representations received. Object on the following grounds:

#### Structural Issues

1. The plan requires the excavation of a significant volume of earth from the existing site. The effects on the existing boundary wall and the adjacent properties have not been considered. No evidence has been submitted regarding the risk of structural failure.
2. The proposed excavation may increase the risk of flooding with either ground water or sewage and cause a nuisance to the adjacent properties.
3. During building works on 12 Fosterville Crescent extensive spring activity was discovered. An existing extension was removed and rebuilt. During the works a 24 hour pump was required to reduce flooding to the foundations as they were dug and rebuilt. This naturally occurring spring activity is also present at Number 11 and therefore I would assume it to be an issue for the proposed site also.
4. The retaining walls required for the subterranean building will need to be deep and extensive to prevent the land on either side collapsing onto the proposed building. I am very concerned how this excavation could affect the free movement of subterranean water in the vicinity of number 12 and 13 and the long term effect on our foundations. Number 12 and 13 are semi-detached and approximately 3metres from the proposed new dwelling.
5. This current proposal does not acknowledge that both water and gas mains run through the site.
6. There is an absence of any detail relating to any retaining structure along the boundary of 14 and 13 Fosterville Cres. At the Delegated Panel site meeting with officers and some Members there was a suggestion that these were not matters for planning but for Building Regulation approval. However it would appear that retaining walls over 2m high do require planning permission. Such walls may escape the provisions of Building Regulations altogether. Accordingly I would ask you to reject the present application on the basis of insufficient information which is crucial to the ability to use the site in the way proposed. However if you are minded to approve the application I would ask that you include condition(s) to control the construction and design of any retaining walls

#### Design

7. The proposed development is within the Conservation Area. I agree that the demolition of the existing corrugated arched tin shed would enhance the area but consider that the proposed development would not be in keeping with the area. It is suggested that the proposed structure would appear "secondary and supplementary as a garden outbuilding to 13 Fosterville Crescent". There are no other examples of secondary structures, such as coach houses, within the Crescent.
8. The proposed infill is planned to be squeezed into a narrow gap and will have a detrimental effect on the architectural layout of the Crescent and the houses were designed to be well spaced.
9. The proposed new dwelling, by virtue of its scale and design, will not preserve or enhance the character and appearance of the Abergavenny Conservation Area, contrary to Policy CH1 of the Monmouthshire Adopted Unitary Development Plan.

#### Residential Amenity

10. The final elevation of the proposed structure is higher than the existing structure and will reduce the light on the southern aspect of number 13 Fosterville Crescent.
11. The proposed new dwelling, by virtue of its scale and design, would be out of keeping with the surrounding street scene, which is characterised by large dwellings and plots and a high degree of spaciousness and privacy. The proposed development would therefore be contrary to Policy H3 of the Monmouthshire Adopted Unitary Development Plan.

#### Highways

12. The existing properties have limited on-road parking and this is exacerbated by commuters and other Abergavenny visitors, seeking to avoid paying for parking in the Town. A new building will only increase the congestion. The regular refuse and recycling lorries already struggle to manoeuvre in the crowded crescent.

#### Other

13. I urge the planning committee to refer to a letter from Simon and Chelsey Buttler dated 31/05/2012 in relation to DC/2011/00946 and DC/2011/00955. Many of the points raised in that

letter still apply to the current application.

14. The current application has been notified by a small notice put in place during a time when many residents are away. We have not received any written notification, and are concerned that the residents of Belmont Crescent, to the rear of the site, will not be aware of the new proposal.

### 5.3 Other Representations

Abergavenny & District Civic Society - We are aware of previous unsatisfactory proposals for a house on this very narrow plot in the Conservation Area, and we note that it seems that the applicant has been given pre-application advice that any successful proposal must at least be for a building that appears subservient to No 13.

We agree with that advice and note that the latest proposal attempts to satisfy these requirements by excavating the site to accommodate a gabled two-storey building. That may cause drainage problems. In terms of LDP policy HE1, the demolition of the existing building will enhance the Conservation Area, but the new building's elevation to the road is extensively glazed and therefore visually insubstantial as a neighbour to the massive No 13. Detailing such as slim brick mullions, a truncated hip roof and/or more substantial barge boards might help.

We wonder if the 'proposed landscaping/retaining structure' at the front of the house main steps to counter ponding, conflicting with the DAS accessibility provision. Compliance with disabled access requirement will require close control - the side access way appears to be only about 650mm wide.

However, our overriding concern is that this home is squeezed between a retaining wall and a hedge or shrubs. Accordingly, the extensive ground floor side windows will admit little light and provide little outlook, perhaps acceptable for bedrooms but not for living areas. We object on the basis that this will not be a satisfactory home, inconsistent with PPW10 (p20) by being unlikely to promote physical and mental health and well-being. LDP policy DES1 requires 'high quality sustainable design' and in our view this does not meet that requirement.

It may be that a satisfactory small dwelling could be designed here, perhaps single-storeyed with a light-admitting courtyard between two corridor-linked sections, but the site is quite probably unsuitable for residential use. Of course, there may at some time be a possibility of using this site as an access to a new house in the extensive garden of No 14.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The site is within the development boundary of the town of Abergavenny within which new residential development is acceptable in principle under Policy H1 of the Local Development Plan (LDP) pending an appropriate design that must be justified in a Heritage Impact Assessment (HIA) as part of the Conservation Area Consent needed for demolition.

Under Policy S4 of the LDP and the supporting SPG, a financial contribution of £3809 will be required towards the provision of affordable housing in the local area. This will not be payable if the dwelling is a self-build.

#### 6.1.2 Good Design/ Place making

The existing building significantly detracts from the Conservation setting. Its replacement with a new building will positively enhance the quality of the area.

The status of the existing building is ancillary to the larger dwellings surrounding it and the proposed replacement continues this hierarchy. In this respect it is considered that the traditional but basic detailing is appropriate in this case as it reflects the scale and status of the proposed new dwelling and avoids creating a 'mini-domestic' building. Using the massing of a traditional cart shed and ancillary status materials, such as the timber cladding further adds to the ancillary

character of the proposed dwelling.

Glazed openings are on the wall spaces rather than in the roof as the roof is the most visible area of the building and multiple rooflights would not be in keeping with the character and appearance of the surrounding roofscape. Instead, natural light will be gained from large glazed areas on each gable end. These windows should be recessed from the external walls (this is conditioned).

As one of the most visible elements of the building, the natural slate roof proposed is the most effective choice in terms of reaching a level of quality while respecting the status of the lower building rather than the tile of the main house. Windows are to be powder coated aluminium windows and doors. The lower parts of the walls are to be red brick.

It is considered that the character of the proposed building will reflect dwellings in the vicinity in regard to finished external materials; the new build proposed is considered to achieve a habitable dwelling which will still be visually subservient to adjoining properties.

Supplementing the planted areas that exist on neighbouring gardens with indigenous species planting within the site's curtilage will assist in assimilating the building into the landscape. It will also have ecological benefit.

A previous application on the site for a small dwelling to replace the existing garage was refused in 2012 for the following two reasons:

1. The proposed new dwelling, by virtue of its scale and design, would be out of keeping with the surrounding street scene, which is characterised by large dwellings and plots and a high degree of spaciousness and privacy. The proposed development would therefore be contrary to Policy H3 of the Monmouthshire Adopted Unitary Development Plan.
2. The proposed new dwelling, by virtue of its scale and design, will not preserve or enhance the character and appearance of the Abergavenny Conservation Area, contrary to Policy CH1 of the Monmouthshire Adopted Unitary Development Plan.

This previous application proposed a building that was similar in design to the existing garage having a curved corrugated galvanised steel sheet roof and a large front window designed with shutters so that the building continued to look like a garage. However, these shutters would have to remain open most of the time in order to achieve any natural light. This current application uses a more imaginative design that utilises the natural gradient of the site while setting the building down by excavating the land so that more windows on the side elevations can be included. The current design also proposes the use of higher quality materials than the previous refusal and a more traditional roof pitch.

Since the refusal the applicant has come in for pre-application planning advice on three occasions and the current design has responded to advice from the Council's Heritage Officer. As such, it is now considered that the current proposal has overcome the previous reasons for refusal.

On balance therefore, it is considered that the proposed new dwelling will be in keeping with the area and will not harm visual amenity. It would enhance the character of the Conservation Area. The proposed development therefore complies with LDP Policies DES1 and HE1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

LDP Policy EP1 requires development to have regard to the privacy, amenity and health of occupiers of neighbouring properties. The presence of high brick/stone boundaries and neighbouring vegetation along with an excavated footprint for the new dwelling ensures all established privacy and amenity of neighbouring occupiers is retained. Only a single roof light is proposed within the roof which will serve a bathroom. As such there will be no overlooking from this opening and overall, the proposed development is considered to meet the requirements of LDP Policy EP1.

## 6.2 Active and Social Places

### 6.2.1 Sustainable transport issues

The site is within the town of Abergavenny which is well served by employment opportunities and services as well as public transport. This site is especially close to the main railway station. As such the location of the proposed new dwelling is considered to be high up within the Sustainable Transport Hierarchy and conforms with the principles and objectives of PPW10.

### 6.2.2 Access / Highway Safety

The proposed dwelling will utilise an existing access onto the public highway, albeit with an altered gradient. The proposed dwelling will have two bedrooms and two parking spaces are provided to the front which meets the Monmouthshire Parking Standards. There is no space on the site within which to turn in order to allow vehicles to enter or leave in a forward gear. Visibility to the right and forward, due to the gradient, is also below normal standards which has generated an objection from MCC Highways. However, following the submission of additional information in relation to the existing access arrangements provided by the applicant in response to this objection, Highways have had the opportunity to consider the additional information and review the previous highway comments. This has included the consideration of previous applications for the site, the existing highway environment, the impact the proposal would have on the existing on-street parking situation and whether the proposal would be detrimental to highway safety.

It is noted that the existing properties in Fosterville Crescent have varying degrees of off-site parking provision ranging from zero to a rear parking court in one case. Generally, the older properties rely on on-street parking whilst newer properties have simple drive access with no turning provision. The proposed site benefits from existing vehicular access via a substantial iron gate that appears to have been used on a commercial basis for a number of years. The site therefore benefits from an existing means of access and the application proposal indicates that the access is to be retained and improved should the proposal proceed.

The road is a Crescent meaning that it does not lead to any other properties and therefore only residents and visitors to the Crescent use the road by vehicle or on foot. On this basis, it is not heavily trafficked. Furthermore, due to the bends in the road, speeds are generally below the 30mph limit that is imposed. Based on the low vehicle/pedestrian movements, the speed of the traffic and the fact that the access is existing, it is not considered that it would be reasonable to refuse the application on highway grounds as the proposal would not be detrimental to highway safety or increase parking stress on Fosterville Crescent. On this basis, the development is considered to meet the requirement of LDP Policy MV1.

## 6.3 Productive and Enterprising Places

### 6.3.1 Sustainability

The dwelling will be primarily orientated in a south-west to north-east direction and it is considered there will be solar gain for those primary habitable rooms facing south-west. Energy efficient methods will be incorporated within the structure and such details will be provided at the Building Control stage.

The dwelling will be orientated to fit the site and designed in harmony with the locality. Passive solar energy will be ensured and direct sunlight will be available to all primary glazed elevations. Because of the glazing areas, the house will be lit both naturally and with energy efficient light fittings for night-time use. There will be high levels of insulation and highly efficient glazing. This coupled with potential solar panels installed within the curtilage on for example the southward facing stepped garden area and possibly incorporating an air source heat pump, will provide the central heating and hot water system.

The main construction frame material will be timber. This timber will be FSA sourced from sustainable managed forests and sourced as locally as possible. There is potential for the main insulation materials to be recyclable mineral wool, which will be positioned inside the timber framing. Roof tiles will be of natural slate to reflect the character of the locality. Elevations will be of brickwork (colour/finish to be agreed). Soffits/ fascias, window frames, doors and rainwater goods will be of aluminium.

All materials resulting from excavation will either be reused on site for garden re-profiling/ planting purposes or sorted for reuse and/or recycling locally.

## **6.4 Distinctive & Natural Places**

### **6.4.1 Historic Environment**

The site is located within the Abergavenny Conservation Area and therefore any impact of the proposed development should preserve and enhance the Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. The existing garage is not traditional in materials or building design and its demolition is not objected to by MCC Heritage or any local residents or other interested parties.

The proposed new building is relatively modest in scale and will have the height of a single storey building, similar to the existing but will have two floors. This will be achieved by utilising the natural slope of the site and setting the building down by excavating the land.

By virtue of the fact that this is the redevelopment of a site with a more appropriate building it is concluded the proposals will not result in a significant impact on the Conservation Area thus ensuring the setting is enhanced. Furthermore, the Heritage Officer has raised no objection to the application.

The proposal is therefore considered to meet the requirements of the relevant Planning (Listed Buildings and Conservation Areas) Act 1990 Act and the development in the context of the Conservation Area is acceptable.

### **6.4.2 Biodiversity**

The existing building was assessed for its potential as a habitat for bats. However, given that it is constructed of metal sheeting and concrete block and its past industrial use, which is unfavourable to bats, it was judged to be of low potential for bats and therefore no further action is required.

### **6.4.3 Water (including foul drainage / SuDS)**

A rainwater harvesting system will be installed and used within the dwelling, garden and for ancillary uses (car washing etc.) as grey water supply. Any excess water will be directed to new soakaways on site and with the requirements of an endorsed sustainable drainage system (SuDS). The existing access arrangements from the adopted road will remain. The current concrete surface will be removed and land re-profiled with a permeable surface resulting in natural percolation into the earth with no run-off. Foul water will be directly into the mains sewer along Fosterville Crescent. Any scheme for disposal of surface water will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Therefore, it is not considered necessary to impose a separate drainage condition as suggested by Dwr Cymru-Welsh Water.

## **6.5 Response to the Representations of Third Parties and the Town Council**

6.5.1 The issue of potential flooding as a result of excavation works is a matter for the developer to overcome. Surface water drainage will be covered by the requisite SAB approval.

6.5.2 The structural integrity of the whole development, including the retaining walls will be covered by the Building Regulations that are in place to make sure that all new buildings are safe. Any wall retaining land over that is over 1.5m in height requires a Building Regulations application which would have to include full details of the construction and materials to be used and all calculations. The Party Wall Act may also apply.

6.5.3 Residential amenity is covered in Paragraph 6.1.3 above.

6.5.4 A neighbour commented that the current application has been notified by a small notice put in place during a time when many residents are away. The planning notice was posted on the site as required by legislation. Unfortunately the timing of the application is not within the control of the planning department. Letters were also sent to neighbouring occupiers.

## **6.6 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' wellbeing objectives set out in section 8 of the WBFG Act.

## **7.0 RECOMMENDATION: APPROVE**

### Section 106 Heads of Terms

A financial contribution of £3809 will be required towards the provision of affordable housing in the local area. This will not be payable if the dwelling is a self-build.

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4 Prior to commencement of development, a plan showing provision within the site for the parking of a minimum of two cars shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved drawings and a minimum of two car parking spaces shall be retained thereafter.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: To ensure a satisfactory form of any future development in accordance with LDP Policies DES1 and HE1.

### **INFORMATIVES**

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view

Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)  
This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

0 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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**Application Number:** DM/2019/02041

**Proposal:** Proposed 2 storey extension to the present dwelling replacing the existing removed.

**Address:** New House Farm, Little Mill, Monmouthshire, NP4 0UD

**Applicant:** Mr. Martin Squire and Miss Elizabeth Bennett

**Plans:** Location Plan Site Plan and Location Plan - , All Existing Plans 01 - , Floor Plans - Proposed 02 - , Elevations - Proposed 03 - , Bat Survey Bat Survey, New House Farm, Little Mill, Monmouthshire by Ecological Services Ltd March 2020 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Lowri Hughson-Smith  
Date Valid: 24.04.2020

**This application is presented to Planning Committee due to the applicant being an employee of Monmouthshire County Council (Planning Department)**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site is in the open countryside to the south of the settlement of Little Mill. Access to the property is via extended track, approximately 600m in length, which is accessed off the A472.

The property is a detached traditional farmhouse and is 'L' shaped with the principle elevation facing east. The property is finished in render with slate roof tiles.

Due to the property's isolated location and the topography of the surrounding landscape, it is not highly visible from surrounding public vantage points.

#### 1.2 Value Added

The proposal as submitted is considered acceptable and changes were not considered necessary.

#### 1.3 Proposal Description

This application seeks permission to demolish an existing two storey element of the dwelling on the north elevation; approximate dimensions 4.7m in depth, 7.6m in depth and 6.8m in height. The existing property suffers from damp and the proposed demolition seeks to eliminate this problem.

The part of the dwelling to be demolished will be replaced with a larger two storey extension. The proposed extension has the following dimensions:

- o Width: 8m (from side elevation of original dwelling);
- o Depth: 9.6m
- o Height: 7.5m at its highest point (set approximately 0.5m below main dwelling roof ridge)

The proposed extension is designed to be similar in appearance to the existing extension with similar proportions and dormer windows.

The proposed materials for the extension include painted rendered walls, timber windows and a grey roof slate to match the finishing materials of the main dwelling.

The proposal also includes a new canopy to the front door on the eastern elevation. The canopy would have a slate roof covering to match the extension and timber pillars.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/02041	Proposed 2 storey extension to the present dwelling replacing the existing removed.	Pending Determination	
DC/2018/00195	To build side extension.	Approved	14.02.2018
DC/2017/00444	Proposed conversion of redundant agricultural barns to 2 No. dwellings.	Approved	05.07.2018

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S17 LDP Place Making and Design  
S13 LDP Landscape, Green Infrastructure and the Natural Environment

### Development Management Policies

H6 LDP Extension of Rural Dwellings  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV3 LDP Public Rights of Way

## 4.0 NATIONAL PLANNING POLICY

### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

#### **Llanbadoc Community Council**

No objection.

#### **MCC Biodiversity Officer**

No objection, subject to conditions.

#### **Right of Way Officer**

No objection.

#### **Natural Resources Wales**

No objections, subject to conditions.

#### **HM Explosives (Health & Safety Executive)**

No objection.

### 5.2 Neighbour Notification

No responses received.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The property is located in open countryside and therefore, a presumption against development exists unless there is specific policy support.

6.1.2 Since the application site is an established residential unit in the countryside, Policy H6 is relevant which enables the extension of existing dwellings in rural areas providing:

- a) the extension is subordinate; and
- b) reflects traditional nature of area (if relevant).

6.1.3 The criteria of Policy H6 in the context of the proposed works are discussed below.

#### The Extension is Subordinate

6.1.4 The proposed extension will remove an existing two storey element of the dwelling and replace it with a larger two storey extension. Whilst the extension will increase the size of the dwelling, it would be only marginally larger compared to the existing dwelling, taking into account the part of the dwelling to be demolished. It will be 4.9m larger in depth, 0.4m wider and 0.7m higher. Despite the increased size of the extension, it will remain smaller in scale and form than the main part of the dwelling.

6.1.5 In terms of volume, the Supplementary Planning Guidance in respect of Policy H6 advises that extensions up 30% of the original volume are likely to be acceptable (in terms of scale) and remain subservient. The resultant volume of the proposed extension is a 26% increase compared to the existing dwelling.

6.1.6 Given the small scale of the extension in relation to the main dwelling together with its carefully designed form and appearance to reflect the existing character, the proposed extension would remain subservient and, therefore, accords with criterion a) of Policy H6.

#### Traditional Nature of the Dwelling to be retained

6.1.7 The existing dwelling is a traditional farmhouse and, therefore, this aspect of Policy H6 is relevant.

6.1.8 The proposed extension, as mentioned above, has been designed to reflect the appearance of the existing main dwelling. The proposed form including roof pitch and fenestration rhythm and style are in harmony with the existing dwelling. The proposed materials are high quality, natural materials such as timber windows, rendered walls and grey slate tiles which are traditional and sympathetic to the countryside location and match the main dwelling.

6.1.9 Furthermore, the subservient nature of the extension ensures the traditional nature of the main dwelling is clearly legible.

6.1.10 The proposed extension would respect the traditional nature of the original dwelling and criterion b) of Policy H6 is met.

6.1.11 The proposed development is acceptable in principle in accordance with Policy H6 subject to material planning considerations. In this case, the material planning considerations are:

- o Place Making and Good Design
- o Visual Impact
- o Biodiversity Considerations
- o Impact on Residential Amenity
- o Parking Provision
- o Impact on Rights of Way

## **6.2 Place Making and Good Design**

6.2.1 As discussed above, the proposed extension has been designed to remain subservient and in keeping with the main dwelling. This includes similar window proportions, materials and roof pitch to the main dwelling. Furthermore, the extension will be positioned on the footprint of an existing extension and is designed similar to the extension to be removed. The proposed extension is well designed in the context of the main dwelling and rural setting and accords with Policy DES1.

## **6.3 Visual Impact**

6.3.1 The visual impact of the proposed extension will be marginally different to the existing dwelling.

6.3.2 Due to the similarities of the proposed extension to the existing dwelling together with the property sitting within a large plot in an isolated location, the visual impact of the extension would not likely be perceivable from wider views. Furthermore, the dwelling is surrounded by outbuildings and a large agricultural shed and so the extension would be read in the context of these, further mitigating its visual impact.

6.3.3 The proposed extension would have limited visual impact. Notwithstanding this, it is well designed and an acceptable addition to the property in accordance with Policy DES1.

## **6.4 Biodiversity Considerations**

6.4.1 The application was supported by a Bat Survey which identified that the dwelling as a whole is well used by bat species. Three different bat species were recorded on site including Common and Soprano Pipistrelles and Brown Long-eared Bats. The bat roosts recorded are all day roosts with up to 17 individual bats recorded at the site.

6.4.2 The proposed extension would impact upon 9 of the roosts identified and, therefore, appropriate mitigation measures are required. Also, in accordance with the requirements of Planning Policy 10, enhancements are required to provide an overall net benefit to biodiversity.

6.4.3 Due to the impact on bats, a European Protected Species Licence is required. In order to assess the acceptability of the development and in the context of the impact on bats the Local Planning Authority must consider the 'Three Tests' for European Protected Species which would also be considered in the grant of a licence by NRW, which are:

1. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative; and
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

6.4.4 The tests will be addressed in turn below, informed by the responses received in respect of the application from NRW and the Biodiversity Officer.

1. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

6.4.5 The proposed development fully complies with national and local planning policy.

2. There is no satisfactory alternative;

6.4.6 The existing extension to be demolished suffers from damp and needs to be rebuilt, and no other options are available.

3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

6.4.7 NRW, in their response dated 13th May 2020, have confirmed that, subject to the implementation of identified mitigation measures to be secured via planning conditions (discussed below), the development is not likely to be detrimental to bats.

6.4.8 The required conditions identified in the NRW response are summarised below and will be imposed. It is considered that 'test 3' is met subject to the condition being imposed.

6.4.9 The Biodiversity Officer suggested the following conditions, which also reflect the requirements set out by NRW:

- o Provision of a Conservation Plan including details of retained bat roosts and protective measures to minimise impact on bats during works;
- o Requirement of bat mitigation measures; and
- o Requirement of a lighting plan.

6.4.10 Furthermore, the biodiversity officer requested the following informative notes should also be attached to the permission:

- o Requirement of a European Protected Species Licence.

6.4.11 The suggested conditions and informative will be imposed on the planning permission to ensure the mitigation measures required to protect bats are secured.

6.4.12 The proposed development, subject to the recommended conditions, is not considered to have a harmful impact on biodiversity in accordance with LDP Policy NE1 and Planning Policy Wales 10.

## **6.5 Impact on Residential Amenity**

6.5.1 The nearest neighbour is over 120m away from the site. Given the ample separation distance and the nature of the proposals there is unlikely to be any harm to neighbouring properties and the proposal accords with Policy EP1.

## **6.6 Parking Provision**

6.6.1 The existing dwelling has 3no. bedrooms and therefore the extension would not require increased parking provision. Notwithstanding this, the property has a large parking area to the

front of the house which has ample space to provide the maximum requirement of three parking spaces. The proposal accords with Policy MV1.

## **6.7 Impact on Rights of Way**

6.7.1 The proposed development is adjacent to a Public Right of Way (reference: No. 362/17/1). The proposed does not affect the right of way and, therefore, the development is acceptable and accords with Policy MV3.

## **6.8 Well-Being of Future Generations (Wales) Act 2015**

6.8.1 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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.9 Conclusion**

6.9.1 The proposed extension accords with Policy H6. In design terms, the proposal is positive and will have minimal visual impact, meeting the requirements of Policy DES1.

6.9.2 The proposal will affect bats but sufficient mitigation has been secured to ensure impact is not detrimental in accordance with Policy NE1.

6.9.3 The development accords with all other relevant policies of the Local Development Plan including policies EP1, MV1 and MV3.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No development or phase of development, including site clearance, shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- o Confirmation of the retention of existing roosts within the original farmhouse building;
- o Details of protective measures to be taken to minimise the impacts including timing of works, duration of works and conservation measures to be implemented.

REASON: To ensure adequate safeguards for habitats / species of principal importance for conservation and to ensure compliance with LDP Policy NE1

4 The development shall be carried out in strict accordance with section 9 of 'Bat Survey, New House Farm, Little Mill, Monmouthshire by Ecological Services Ltd dated March 2020'.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1

5 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes lighting location, type and specification, protecting roosting and foraging/commuting habitat for bats has been agreed in writing with the LPA.

REASON: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

## **INFORMATIVES**

1 Warning: A European Protected Species (EPS) licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>

We may wish to discuss aspects of the proposed mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

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**Application Number:** DM/2019/02081

**Proposal:** Change of use of barn to B1 use including replacement cladding

**Address:** Barn to north of Forest View, Penterry Farm, Chapel Hill Road, Penterry, St Arvans

**Applicant:** Mr. & Mrs. Parry

**Plans:** Location Plan Location Plan - , All Existing Plans 01 - , All Proposed Plans PP 02F - F, Block Plan PP 03A - A,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young  
Date Valid: 09.01.2020

**This application is presented to Planning Committee as the applicant is related to a member of committee**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application relates to a modern agricultural barn constructed of blockwork and corrugated sheeting on a steel portal frame. It has been used for agricultural storage. The building measures 18m by 19.5m and is 6.7m high to the ridge. It is located between an agricultural bungalow and a converted barn in the grounds of Penterry Farm. The site is located within the Wye Valley Area of Outstanding Natural Beauty and a designated Minerals Safeguarding Area. There is a public footpath running along the track adjacent to the building.

#### 1.2 Value Added

Initially this application sought a change of use to B1, B2 and B8 industrial uses. Officers considered that general industry would not be appropriate in this location and subsequently requested that the description of the proposal be changed to a B1 use (light industry and office) only. Details of the parking have also been considered. All interested parties have been re-consulted on the amendments.

#### 1.3 Proposal Description

The proposal is for the change of use and conversion the building to be use for business use (B1) providing a diversified income stream for the farming business at the holding. The building has an internal floor area of 358 sq. metres. The converted building would contain office and industrial space to be let to local businesses, welfare facilities and additional office space to be used by the farming enterprise if required in future. The profiled sheeting on the roof would be replaced with an insulated composite metal covering and the blockwork walls would be over clad with marine ply and new softwood boards. It is proposed to install a dry lining system internally to the blockwork areas to improve the thermal performance and comply with the minimum Building Regulation requirements. The building would utilise the shared access to the farm complex and the existing hardstanding area would be used for car parking.

The application is accompanied by the following documents:

Agricultural Planning Appraisal  
Ecology Potential Report  
Design and Access Statement  
Structural Appraisal.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>
DM/2019/02081	Change of use of barn to B1 use including replacement cladding.	Pending Determination

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S10 LDP Rural Enterprise  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### **Development Management Policies**

RE2 LDP The Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use  
RE3 LDP Agricultural Diversification  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC4 LDP Wye Valley AONB  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

### **Supplementary Planning Guidance**

Conversion of Agricultural Buildings Design Guide SPG April 2015:  
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April-2015.pdf>

LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015:  
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/LDP-Policy-H4-g-SPG-April-2015.pdf>

Monmouthshire Parking Standards (January 2013)  
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

## 4.0 NATIONAL PLANNING POLICY

### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

#### Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

#### Tintern Community Council

The application was discussed at Tintern Community Council's meeting on 27th January 2020 and it was felt that we could not recommend either approval or refusal and request that the application is considered at a full Planning Committee for the following reasons:

It is unclear whether or not the proposed non-agricultural development will be run in conjunction with and be complementary to the current agricultural activities of the farm as required by Local Development Plan Policy RE3.

(b) The applicant is a relative of a member of the Planning Committee.

#### MCC Highways - No objection

The proposal is accessed via a private drive serving both Penterry Farm and a number of residential properties, access to the private drive is via Chapel Hill Road and Penterry Lane, publically maintained rural unclassified lanes.

The local highway network experiences relatively low levels of traffic and the proposal has no access to sustainable means of transport, so access is solely reliant on the motor vehicle. The highway authority considers that the increase in vehicular movements associated with the proposal is minimal and would not be detrimental to the capacity and safety of the existing highway network and the highway authority offer no objection to the proposal as submitted.

#### MCC Ecology

The Bat assessment provided is acceptable and is still valid; it is noted that there was negligible potential for bats to use the building.

The ecological submission is acceptable. This is a high quality habitat for bats, with current dark conditions we would expect the lighting at the development to be sensitively designed so as not to illuminate the surrounding habitats.

The house sparrows the report does not identify any historic or current nests, however there is potential for nesting in the intermediate period, as such works will need to be conducted at an appropriate time of year to safeguard breeding birds. Impose a condition.

The biodiversity enhancement that are illustrated on the submitted plan are acceptable.

## 5.2 Neighbour Notification

None received

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

PPW10 supports economic growth but also recognises the need to protect the character of local areas. It also promotes the use of previously developed land. This development would conform to those objectives by providing employment opportunities in a rural area on a brown field site. PPW 10 supports activities that generate sustainable long term prosperity, jobs and income. The proposal complies with the objectives of paragraph 5.6.1 of PPW which states.

"A strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas." PPW makes it clear that, "Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects. Small-scale enterprises have a vital role to play in the rural economy, and contribute to both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas."

The site is located outside of any development boundary, within open countryside in an Area of Outstanding Natural Beauty. PPW and Technical Advice Note 6 'Planning for Sustainable Rural Communities' (TAN 6) support the diversification of the rural economy, to meet the needs of both traditional and new industries, whilst minimising the impacts on local communities and the environment. Paragraphs 5.74 and 5.76 of the LDP recognise the need to balance rural enterprise with the principles of sustainable development and priority is given to the re-use or adaptation of existing buildings, with conversion to employment uses being promoted.

The building in question is of modern construction but was used for its intended purpose as a cattle shed and storage unit in association with the farm for a lengthy period until it became redundant. The site is located in open countryside outside of any defined development boundary. Given its location and extant use the application falls to be considered in relation to policies S and S10 which seek to support the development of small units/ workshops and rural enterprise subject to detailed consideration under policies E2, RE2 and RE3 of the LDP.

Policy E2 of the LDP refers Non-Allocated Employment sites and states that:

Proposals for industrial and business development (classes B1, B2 B8 of the Town and Country Planning Use Classes Order 1987) by new, non-speculative single-site users that cannot be accommodated on existing or proposed industrial or business sites within the County will be permitted provided that all the following conditions are met:

a) the proposed site is within or adjoining development boundaries of towns and other main settlements or existing and proposed industrial / business sites;

b) the proposal is compatible with adjacent land uses;

- c) there is a demonstrable need for the type and scale of development in that location; and
- d) the proposal would cause no unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value.

The applicants state in their Agricultural Appraisal that they "have" been approached by local businesses looking for office space but have not been in a position to cater for local demand. Due to the space afforded by the proposed building there is an opportunity to provide let office space to meet local demand. The proposed non-agricultural development would be run in conjunction with and would be complementary to the agricultural enterprise. The business case is directly linked to the existing farming business and will provide additional office space in a rural community, therefore promoting rural enterprise."

Policy E2 does not apply in this case as the site is not adjacent to a settlement boundary and the proposed use is speculative, in addition the proposal is not for a new building but rather the conversion of an existing building. The applicants have not indicated that the buildings would be used in association with any working farm holding as a way of diversifying that agricultural enterprise, therefore Policy RE3 of the LDP which supports Agricultural diversification is also not relevant in this case.

The site is in the open countryside outside of any development boundary. The conversion of this building would therefore be evaluated against Policy RE2 of the Local Development Plan. This policy states:

Proposals for the conversion or rehabilitation of existing buildings in the open countryside, to employment use will be permitted provided that all the following criteria are met:

- a) the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;
- b) in respect of farm diversification proposals, any necessary re-building work should respect or be in sympathy with the location and traditional characteristics of the building; in all other cases the buildings should be capable of conversion without major or complete reconstruction;
- c) the more isolated and prominent the building the more stringent will be the design requirements with regard to new door and window openings, extensions and means of access, service provision and curtilage, especially if located within the Wye Valley AONB;
- d) the conversion of modern farm and forestry buildings will only be permitted if the building has been used for its intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to buildings that are less than 5 years old, or which are known to have been used for their intended purpose for less than 5 years, and where there has been no change in farming or forestry activities on the unit since the building was erected permission may be refused;
- e) the proposal including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings; and
- f) the building is capable of accommodating the proposed use without substantial extension. The above criteria will also be applied to proposals to extend buildings that have already been converted.

In this case the form bulk and general design of the building would be respected with no major external alterations or extensions to the buildings. The building would be subdivided into three separate units internally. The roof would be replaced with insulated metal sheeting, the existing blockwork would be over-clad with timber sheeting and existing timber cladding replaced. The whole building would be dry-lined internally and eight windows would be installed. The building has been used for its intended purpose as a cattle shed and agricultural storage for a significant period of time. The building is located within the Wye Valley AONB but the external

appearance of the building is not being significantly altered so that the provisions of part a), b), c), d) and f) of Policy RE2 are complied with and the proposal would have little impact on the wider landscape. The building is seen within a group of existing farm buildings. There is sufficient land available on the farm to accommodate car parking for the proposed employees. The proposed site is a long way from any main roads. Access would be from St Arvans along Penterry Lane which is narrow in places and serves a number of residential properties and then along a private track, which serves Penterry Farm and five other residential properties. Whilst additional infrastructure would not be required, access into the site is relatively arduous. The proposed change of use therefore largely accords with the objectives of Policy RE2 of the LDP. The proposal would be an acceptable form of employment development in the countryside and would comply with policies S10 and RE2 of the LDP, which seek to support the County's rural economy by enabling the provision of rural enterprise and permit the conversion of buildings in the countryside to employment use where appropriate.

## **6.2 Sustainability**

### **6.2.1 Good Design**

The application seeks the change of use of an existing building and there would be very few external alterations to the appearance of the building. The new timber cladding would respect the appearance of the original farm building, and would be similar to it in terms of colour and profile. The eastern elevation of the building would be the most significantly altered; here, the blockwork would be rendered with a painted finish and four new windows would be added to this elevation. This eastern elevation is visible from the adjacent public footpath. There would also be four new window openings on the western elevation which would alter the appearance of the building and make it appear less agricultural, although the building would retain a suitable rural appearance. The roof would be re-clad in metal sheeting or grey Eternite fibre cement sheeting. The car parking area would remain as an informal hardstanding. No additional boundary treatments are proposed.

The proposed change of use does respect the form, scale and materials of existing farm buildings on the site and its intensity is compatible with existing uses. The conversion will not affect natural views and panoramas within the wider landscape in general and the views from neighbouring properties. The reuse of the building for employment purposes is a compatible land use. Therefore the proposal does conform to criteria a), b), c), e), and i) of Policy DES1 of the LDP.

### **6.2.2 Place Making**

Good Design is fundamental to creating sustainable places where people want to live, work and socialise. In this case the setting of the building in the open countryside will provide a very pleasant environment for people to work. It will provide extensive views and fresh air to enjoy during lunch time and breaks. The appearance of the building will not alter significantly but once converted it will provide a very pleasant environment for its occupiers.

### **6.2.3 Green Infrastructure**

The building and the hard standing for the car park are existing so there is little scope or need for additional green infrastructure.

### **6.2.4 Energy**

The use of an existing building to form the basis for new business results in an efficient use of an existing resource which requires less materials than would be required if a totally new building was to be constructed. All new building materials will be

responsibly sourced. The use of the barn provides an energy efficient building and the proposed layout affords the most of natural light and passive solar gain.

### **6.3 Landscape**

PPW 10 underlines the importance of protecting and enhancing a rich and varied landscape but at the same time understanding the social and economic benefits they can provide. This site is located within the AONB where Policy LC4 of the LDP applies. It is a requirement of that policy that all development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area. The proposal relates to an existing building within a working farm yard. The proposed business use is comparable with the character, purpose and overall management of the AONB. This is a working landscape where farming is a business and the proposed use is similar to that. There will be very little alteration to the appearance of the building itself, the timber cladding and roof materials will be replaced with similar matters, new window openings will be provided and the eastern elevation, facing towards the access track, will be treated in painted render. While these changes will alter the appearance of the building, they will still respect the original appearance and will continue a business use in this rural landscape. The proposed change of material will still harmonise with its surroundings and built heritage. The proposed change of use will accord with the objectives of Policy LC4 to conserve the natural rural beauty of the area. In this case the building already exists and is within a complex of buildings. The proposed change of use from an agricultural building into business accommodation will have little visual impact on the wider landscape. Policy LC5 of the LDP does allow for development provided that it does not have an adverse effect on the special character or quality of Monmouthshire's Landscape in terms of its visual, historic, geological, ecological or cultural aspects. The proposal does not cause visual intrusion and it does not change the landscape character of the area. The use is compatible with its location and harmonises with the landscape. The proposal therefore accords with the objectives of policies LC4 and LC5 of the LDP.

### **6.4 Biodiversity**

A Bat assessment was provided as part of the application. It is noted that there was negligible potential for bats to use the building. In accordance with the Environment (Wales) Act and PPW10 and in light of the recent "Dear CPO letter", (23rd October 2019) for development to deliver net benefit for biodiversity, enhancements have been provided in the form of two bat boxes, one each on the northern and the southern elevations, just below the apex of the roof. External lighting will be restrained to minimise light spill and will probably comprise 50w LED lights with hoods and timers on sensors. MCC Biodiversity officers are satisfied that the enhancements shown meet their requirements.

### **6.5 Impact on Amenity**

PPW10 in paragraph 3.21 says that the planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. Health impacts should be minimised in all instances. In such circumstances where health or amenity impacts cannot be overcome, development should be refused. Policy EP1 of the LDP says that development should have regard to the privacy, amenity and health of occupiers of neighbouring properties and developments that would cause or result in unacceptable harm will not be permitted unless it can be demonstrated that measures can be taken to overcome any significant risk. There are six existing properties at Penterry Farm. The applicants occupy Penterry Farm Bungalow while the other properties are owned by the applicants and tenanted as residential properties, of these a converted barn and Forest View are immediately adjacent to the proposal site. The site was previously a

working farm yard that would have generated a significant amount of noise, dust and traffic. The proposed site is not suitable for general industry or for storage /distribution as this may result in high levels of traffic generation and potential noise and dust depending on the type of activity undertaken inside the premises. As a result the amended application is seeking only B1 use that involves offices and light industry. A B1 use is more suitable in this location. The use of these three units for office would not generate noise or dust, plus operating hours could be controlled. The premises could be occupied by small numbers of staff but the B1 use would preclude businesses where the service is provided principally to visiting members of the public. Restricting the use to B1 would protect the amenity of adjoining occupiers and would be compatible with the objectives of Policy EP1 of the LDP which seeks to protect the amenity and health of occupiers of neighbouring properties.

## **6.6 Highways**

### **6.6.1 Sustainable Transport Hierarchy**

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. The location of the proposed business units is not in a sustainable location. Thus, all users of the building would have to travel to the site by car.

The existing barn is in open countryside where TAN18: Transport recognises that, "The distinctive characteristics of rural areas including low population densities, the dispersion of job opportunities and the concentration of services in larger settlements restrict travel options. The car is important for accessibility in rural areas and is likely to remain so for the foreseeable future... Development in rural locations should embody sustainability principles, balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas."

The Design & Access Statement submitted by the applicant maintains that the barn is not an unreasonable walking distance from the 69 bus service on Wyndcliffe Road (A466) and that there is also potential to walk or cycle in the locality to reduce reliance on the car. However given this distances involved planning officers do not consider this to be very realistic. The site can only realistically be accessed by private motor vehicle and subsequently does not offer a sustainable location.

Penterry Farm cannot be described as a sustainable location as advised in PPW10, although weight needs to be given to the fact that the proposal would generate employment opportunities for the rural economy.

### **6.6.2 Access / Highway Safety**

The proposal is accessed via a private drive serving both Penterry Farm and a number of residential properties, access to the private drive is via Chapel Hill Road and Penterry Lane, publicly-maintained rural unclassified lanes. The local highway network experiences relatively low levels of traffic and the proposal has no access to sustainable means of transport, so access is solely reliant on the motor vehicle. The highway authority considers that the increase in vehicular movements associated with the proposal would be minimal and would not be detrimental to the capacity and safety of the existing highway network. The highway authority offer no objection to the proposal as submitted. Although the roads leading to the site are narrow and single track in some places, the increase in traffic resulting from this proposal will not be significant and will not compromise highway safety.

### **6.6.3 Parking**



building, although more could be provided if required. .As this is a speculative development we do not at this stage have any details of the operating requirements of the occupiers of the building with regards to deliveries, servicing or staff. There is plenty of hardstanding around this building which could be utilised if more car parking provision was required.

## **6.7 Drainage**

### **6.7.1 Foul Drainage**

The applicant has indicated that the foul water will be disposed of by means of a packaged treatment plant which will be located in a field to the east of the building, on land which is at a lower level than the building its self. The treatment plant will be set well away from existing residential properties. This is considered suitable at this stage and details can be conditioned.

### **6.7.2 Surface Water Drainage**

The applicant has indicated that surface water will be disposed of via a soakaway system, A Sustainable Drainage System this will have to accord with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body

## **6.8 Contaminated Land**

The site was previously used as a cattle yard but there are not known to be any abnormal contamination issues.

## **6.9 Response to the Representations of Third Parties and/or Community/Town Council**

Tintern community council wanted to know if the proposed non-agricultural development will be run in conjunction with and be complementary to the current agricultural activities of the farm.

The applicants have not indicated that the buildings would be used in association with any working farm holding as a way of diversifying that agricultural enterprise, and therefore Policy RE3 of the LDP which supports Agricultural Diversification is not relevant in this case.

## **6.10 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well- being objectives set out in section 8 of the WBFG Act.

## **6.11 Conclusion**

6.11.1 This is speculative development but the conversion of this building into a B1 use may have the potential to generate highly skilled jobs in this rural location where job opportunities are limited. The proposal accords with the objectives of PPW10 and the LDP by promoting economic development. Although this is a speculative development, the provision of these small business units would allow small businesses to establish in the area without entrepreneurs having to move out of the

County to find suitable premises. The Council is generally supportive of facilities that would aid economic growth and Policy S8 of the LDP says that "Development proposals that seek to deliver the Council's vision for sustainable economic growth will be permitted subject to detailed planning considerations". As discussed above, Policy RE2 of the LDP does allow for the conversion of buildings in the open countryside for employment use. The use of this building for business purposes therefore does accord with the Council's vision for economic growth. It is hoped that by approving these units it will result in some new enterprises either starting up in this area or relocating from areas outside of the County.

PPW10 states that a strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas. The advice in PPW10 therefore is that the establishment of new enterprises in rural areas is to be encouraged as it would increase local prosperity.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

1 This development shall be begun within 5 years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The building shall be occupied by businesses operating within the B1 Use of the Use Classes Order (1987) only and for no other purposes without the express permission of the LPA.

REASON: Alternative uses may be detrimental to residential amenity and therefore contrary to the objectives of policy EP1 of the LDP

4 Biodiversity enhancement in accordance with that illustrated on the submitted plan "Proposed Floor Plans & Elevations Rev F dated April 2020 drawing ref. (PP) 02F produced by Griffiths Design" shall be installed prior to the completion of the development.

Reason: To provide maintain and enhance biodiversity and therefore comply with the Biodiversity Duty in the Environment (Wales) Act 2016, PPW10 and LDP Policy NE1.

5 No demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

6 The premises shall not be used for the approved purposes outside the following times 08:00 to 18:00 on any day

Reason: In the interests of amenity and to ensure compliance with LDP Policy EP1.

7. No development shall commence until details of a scheme for the disposal of foul water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development commencing and shall be retained in perpetuity.

Reason: to protect the amenity of the area and to prevent pollution.

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**Application Number:** DM/2020/00070

**Proposal:** Advertisement consent for one freestanding sign

**Address:** Raglan Farm Park, Chepstow Road, Raglan, NP15 2EN

**Applicant:** Mr. Keith Williams

**Plans:** Photography Photos of Adverts - , Other Location of Adverts - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mr. Tudor Gunn

Date Valid: 14.01.2020

**This application is presented to Planning Committee due to the applicant being related to a member of the Planning Committee**

### **1.0 APPLICATION DETAILS**

1.1 This application relates to Raglan Farm Park, situated off Chepstow Road, Raglan. The farm is an activity play centre for children and has been in place for a number of years. Advertisement Consent is sought due to a proposed amendment to one aspect of the current group of advertisements retrospectively approved via DM/2018/00695.

1.2 The application specifically relates to Advert 7 (sign) which measures 1m x 1m located on the grass verge approach to the site from the Raglan direction. The plastic sign is coloured black, yellow and white with 30cm maximum sized lettering. The sign is not illuminated and is set back from the highway so that it does not affect any visibility splays when leaving the Raglan Farm Park. The proposal is solely to raise the sign 1.8m from the ground level to the base of the sign on wooden stilts to increase the visibility for drivers when leaving and entering the neighbouring property, Brooks Cottage. The sign is currently set on top of wooden pallets which obstructs the view turning right from Brook Cottage's entrance. The revised arrangement would allow for drivers to see through the stilts.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>
DM/2020/00070	Advertisement consent.	Pending Consideration

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

## 4.0 NATIONAL PLANNING POLICY

### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Raglan Community Council** - Approve

**MCC Highways** - No objection.

The proposal is to amend / increase the height of sign 7 to improve junction visibility. The highway authority does not object to the proposal.

### 5.2 Neighbour Notification

No response during consultation period.

### 5.3 Other Representations

No other responses received during consultation period.

## 6.0 EVALUATION

### 6.1 Principle of the proposed development

6.1.1 Advert 7 was retrospectively approved as part of DM/2018/00695 and the principle was established. Sign 7 is currently raised on wooden pallets so this application will assess whether the installation of stilts and a higher base height of 1.8m is acceptable in terms of the relevant LDP policies.

### 6.2 Design

6.2.1 The existing signs are all individual in style and size so a variation in appearance would not be out of keeping with the scheme. It is noted that of the eight approved adverts, at least a quarter of them are already on stilts as a way of raising their prominence. The use of the stilts is an appropriate alternative and could be considered an improvement to the ad hoc stack of pallets.

6.2.2 Whilst a higher sign would be slightly more prominent it would serve its function whilst the impact would be mitigated by virtue of being set on the grass verge with a hedgerow behind. It is considered in this instance that the proposed amended advertisement is acceptable and in accordance with Policies DES1, DES3, and EP1 of the Monmouthshire Local Development Plan.

### 6.3 Highway Safety

6.3.1 The sign is set back from the highway on the grass verge and MCC Highways did not raise objections as part of the initial application. The sign would be in the same location, but raised for better vehicular visibility beneath so it is not considered to be detrimental to highway safety.

### 6.4 Residential Amenity

6.4.1 Residential amenity has previously been assessed as part of the original application. Given that the proposed amended sign would be in the same location, albeit at a higher level the same principles would apply. The sign is not considered to have any harmful impact on the amenity of neighbouring properties and is therefore compliant with policies DES3 and EP1 of the Local Development Plan. No objections have been received.

### 6.5 Well-Being of Future Generations (Wales) Act 2015

6.5.1 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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## 6.6 Conclusion

6.6.1 Further to the reasons outlined specifically relating to Visual Impact and Residential Amenity above the proposal would have an acceptable impact and would not be harmful to the character, appearance or amenity of the area. The proposed development would be in accordance with the relevant policies in the LDP and is therefore recommended for approval.

## 7.0 RECOMMENDATION: APPROVE

### Conditions:

- 1 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3 Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 5 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).

REASON: As required to be imposed by Regulation 2(1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

### **INFORMATIVES**

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/02/20

gan H C Davies BA (Hons) Dip UP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12.03.2020

## Appeal Decision

Site visit made on 03/02/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 12.03.2020

**Appeal Ref: APP/E6840/D/19/3244033**

**Site address: 10 Yew Tree Wood, Bayfield, Chepstow NP16 6AZ**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Stephanie Balboa against the decision of Monmouthshire County Council.
- The application Ref DM/2019/01613, dated 01 October 2019, was refused by notice dated 23 December 2019.
- The development proposed is described as single storey side and rear extension, proposed raised timber deck and new access gate.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the development on: the character and appearance of the surrounding area; the living conditions of the occupiers of No.11 Yew Tree Wood; and on pedestrian and highway safety with regard to the proposed parking layout.

## Reasons

### *Character and Appearance*

3. The appeal property is an end of terrace dwelling, forming part of a short terrace of 3 dwellings situated within a residential estate. Notwithstanding the diversity to the dwelling types and design in the estate as a whole, the appeal property is part of a terrace with a uniform appearance and style. Neither the appeal property nor the adjoining dwellings within this row have been materially altered and they currently appear as a consistent and regular form of development.
4. It is proposed to erect a single-storey extension on the side elevation, the proposal will also incorporate the detached garage to the rear which will be extended and part converted to create additional habitable accommodation. The single-storey extension will comprise a hipped roof, windows to the side (northern) elevation and a large

French door opening in the front elevation. A raised timber deck at the rear of the garage is also proposed.

5. I recognise that given its height and set back from the front elevation the proposed extension would appear as a subservient addition to the existing house. Nevertheless, the hipped roof would be an insensitive roof form that would be out of character with the pitched roofs seen on the surrounding properties. The contrasting pitch would fail to effectively harmonise with the roof of the host property and would disrupt the uniform appearance of the terrace. Furthermore, the proposal would involve a substantial wide glazed opening in the front elevation along with high level windows incorporating horizontal proportions in the side elevation, contrary to the vertical context set by the fenestration of the host property. In doing so, the proposed windows fail to respect the balanced and proportionate appearance of the existing dwelling.
6. I conclude that the appeal scheme would fail to be appropriate to its local context and would be harmful to the character and appearance of the surrounding area. This would be contrary to the design objectives of Policy DES1 of the Monmouthshire County Council Local Development Plan (LDP), which amongst other things, seeks to ensure that new development respects the existing form and layout of its setting.

#### *Living Conditions*

7. The proposal includes a fenced enclosure at the rear of the property which would be comprised of timber and measure approximately 2.4 metres in height. Whilst it would not be prominent from the public highway, it would be visible from the rear garden of No.11. I accept in some circumstances such a fence could be imposing on an adjoining property, however, in this instance it adjoins a garden with a similar ground level. As a consequence, I find that the proposed fence would not have an unacceptable overbearing or oppressive impact on the living conditions of the occupiers of No 11. In this respect the proposal would accord with the amenity objectives of LDP Policy DES1.

#### *Parking provision*

8. The Council's Supplementary Planning Guidance 'Monmouthshire Parking Standards 2013' stipulates that the parking standard for houses is 1 space per bedroom. The appeal property is a new build and it is clear that the proposal extension would have an effect on the existing off street parking provision for the appeal property. Whilst the appeal proposal includes alternative provision for a parking area at the front of the property the space would be constrained with cars likely to be parked up close to the front elevation of the house and obstructing one another. This would potentially result in cars overhanging the footway or alternatively parking on the highway. Nonetheless, at the time of my visit, I observed that there were on-street parking spaces available, furthermore, the Council has provided little substantive evidence of any problems associated with parking in the immediate locality. I accept that the proposal would lead to an increase in on-street parking, nevertheless, it has not been demonstrated that this increase would be so significant that it would result in a serious risk to the free flow of traffic or highway and pedestrian safety.
9. In the context of the above, I do not find conflict with Policy MV 1 of the LDP. Whilst the proposal would not technically accord with the parking standards, I do not consider that it would conflict with the overarching aim to ensure that new development is acceptable in highway safety terms.

## **Conclusion**

10. I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
11. Whilst I have found elements of the proposal to be acceptable in terms of its impact on highway safety and residents' living conditions, its visual harm is an overriding consideration. For the above reasons and having regard to all other matters raised, I conclude that the appeal is dismissed.

*H C Davies*

INSPECTOR

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## Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 03/02/20

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.03.2020

## Costs Decision

Site visit made on 03/02/20

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17.03.2020

**Costs application in relation to Appeal Ref: APP/E6840/A/19/3242539**

**Site address: Barn Conversion at 33 Kymin Road, The Kymin, Monmouth NP25 3SE**

**The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.**

- The application is made under the Town and Country Planning Act 1990, section 78, section 322C and Schedule 6.
- The application is made by Mr David Edge for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal of planning permission for the conversion of single storey barn to holiday let without complying with a condition attached to planning permission Ref DC/2012/01074, dated 19 September 2013.

## Decision

1. The application for an award of costs is refused.

## Reasons

2. The Annex at Section 12 of the Development Management Manual, Award of Costs (the guidance) advises at paragraph 1.2 that "*Parties are expected to meet their own costs. An appellant or applicant is not awarded costs simply because their appeal or application succeeds and similarly, a local planning authority is not awarded their costs because their position or decision is upheld. An award of costs may only be made where one party has behaved unreasonably, and that unreasonable behaviour has led other parties to incur unnecessary or wasted expense.*" The guidance provides examples of circumstances which may lead to an award of costs against a Council. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. In summary, the appellant states that in this case the unreasonable actions of the Council have prevented development which should clearly be permitted, having regard to the development plan and its failure to take into account of other material considerations.
4. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. They also clearly identify what the Council considers to be harmful and refers to conflict with planning policy and other material considerations. The applicant's appeal submission was detailed with appendices providing supporting evidence.

5. The Council have sought to substantiate the reasons for refusal via a statement of case which accompanies the officer report. In doing so, the extent to which the Council address the appeal submissions remains at their discretion when seeking to substantiate the reasons for refusal. Taking into account all of the circumstances, I consider that the Council was able to substantiate to a reasonable extent on the reasons why it considered the development was not acceptable.
6. I find the Council's approach of determining the planning application on the basis of Local Development Plan Policy and relevant material considerations to be reasonable. Whilst, the Council's Officer Report did not take into account the findings from a previous appeal decision<sup>1</sup>, they made a judgement relative to the proposal before me in terms of the harm they perceived. Moreover, the Council's appeal statement made reference to the previous appeal decision and commented on why the decision was not comparable to the appeal now before me.
7. In terms of the consideration of Public Rights of Way, the Council identified various footpaths in the surrounding area. Whilst I somewhat agreed with the appellant in my substantive decision that views from the footpaths were limited, I also found that these views positively contributed towards the appreciation of the AONB landscape. Accordingly, the Council was not incorrect in identifying the footpaths, merely the weight they attached to the views from them, which was a matter of judgement.
8. The Council's appeal statement provides some degree of specific, reasoned, objective analysis of the schemes impact. Thus, as a matter of fact and degree, I am satisfied that the Council has provided sufficient evidence to substantiate its reason for refusal, and unreasonable behaviour has not been demonstrated in this regard.
9. I cannot conclude that an appeal was unnecessary in this case. The individual circumstances of the proposal necessitated assessment on its own merits given the subjectivity of issues in dispute and judgements involved. The applicant, therefore, did not suffer wasted expense in pursuing the appeal.

### **Conclusion**

10. Having considered the matters above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the guidance, has not been demonstrated, and therefore the application for an award of costs is refused.

*Joanne Burston*

INSPECTOR

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<sup>1</sup> appeal reference: APP/E6840/A/18/3203203

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/02/20

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.03.2020

## Appeal Decision

Site visit made on 03/02/20

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17.03.2020

**Appeal Ref: APP/E6840/A/19/3242539**

**Site address: Barn Conversion at 33 Kymin Road, The Kymin, Monmouth NP25 3SE**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr David Edge against the decision of Monmouthshire County Council.
- The application Ref DM/2019/01439, dated 05 September 2019, was refused by notice dated 5 November 2019.
- The application sought planning permission for the conversion of single storey barn to holiday let without complying with a condition attached to planning permission Ref DC/2012/01074, dated 19 September 2013.
- The condition in dispute is No 3 which states that: *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the Local Planning Authority."*
- The reason given for the condition is: *"This conversion is granted having regard to the Council's policies which relate to the conversion of redundant buildings in the countryside. If substantial extensions or alterations were necessary this development would not normally be favourably considered."*

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and better environments.

### Application for costs

3. An application for costs was made by Mr David Edge against Monmouthshire County Council. This application is the subject of a separate Decision.

## Background and Main Issue

4. Planning permission was granted for the conversion of the barn to a holiday let. The application the subject of this appeal sought permission to carry out the development without complying with condition 3 which removes the permitted development rights under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). The Council state that such a condition is necessary as its removal has the potential to alter the scale form and design of the existing building, which is located within the Wye Valley Area of Outstanding Natural Beauty (AONB). In terms of the AONB, Planning Policy Wales, edition 10 (PPW), sets out at paragraph 6.3.7 that "*In AONBs, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas.*"
5. The Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular') provides advice and guidance on planning conditions, including on the use of conditions to restrict permitted development rights. Paragraph 5.105 of the Circular establishes that "*Save in exceptional circumstances, conditions should not be imposed which restrict either permitted development rights granted by development orders or future changes of use which the Use Classes Order would otherwise allow. For example, a condition would only prove reasonable if there was evidence that it would prevent a serious adverse effect on amenity or the environment, there were no other forms of control and it served a planning purpose.*"
6. Accordingly, the main issue in this case is whether the condition in dispute is reasonable and necessary in the interests of conserving or enhancing the Wye Valley Area of Outstanding Natural Beauty (AONB).

## Reasons

7. The appeal site is located on the slopes of the Wye Valley, overlooking the town of Monmouth. The immediate area, including the appellant's wider landholding, has a predominantly rural character, featuring paddocks, agricultural buildings and substantial areas of woodland. A number of public rights of way cross the surrounding area, including several long-distance footpaths such as the Offa's Dyke Path and the Wysis Way. The surrounding area also contains a number of structures, including dwellings and agricultural buildings, which appear well integrated within the AONB landscape.
8. The appeal site is occupied by a small, stone-built barn which has been converted into a two-bedroom dwelling, used as a holiday let. It is accessed via a footpath and has a limited curtilage, containing a modest area of outdoor space. The appeal site is bounded by a post and wire fence and established native hedgerows/trees to the east. The existing scale and sympathetic restoration of the site results in a development that appears to retain its agricultural character and is settled in this pastoral landscape, thus it does not appear incongruous in views from the surrounding landscape.
9. Given the small scale of the barn, external space of some 46 m<sup>2</sup>, it was appropriate that it should be considered for tourist accommodation. Indeed, Policy T2 of the Monmouthshire Local Development Plan (LDP) sets out that "*the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to permanent residential accommodation but are suitable for tourist accommodation*" may be permitted. This



policy is considered alongside LDP Policy H4 which provides for the conversion / rehabilitation of buildings in the open countryside for residential use. In particular criteria 'f' of Policy H4 states "*the building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn.*"

10. These LDP Policies are supported by the Councils Supplementary Planning Guidance: Rural Conversions to a Residential or Tourism Use, dated November 2017 (SPG). It states at paragraph 3.22 that "*Permitted Development rights to extend further, modify or to construct ancillary buildings will be withdrawn from planning permissions for all rural conversions, in order to retain and protect the character and setting of such conversions.*" Furthermore paragraph 4.9 of the SPG states that "*The conversion of an unsuitably small sized building to a permanent residential use would potentially result in additional planning applications for extensions at a later date in order to provide more living space. This approach would be contrary to criterion (f) of Policy H4.*"
11. Given the AONB landscape, and the great weight that should be afforded for its conservation and enhancement, I am concerned that any extension, however minor, could potentially cause significant harm to this designated landscape. Furthermore, changes to this modest barn could result in its agricultural character being undermined resulting in material harm to its character and appearance, which is valued asset in this AONB landscape. I accept that the visibility of the development may be somewhat limited to glimpses from surrounding footpaths. However, these are views which positively contribute towards its landscape and pastoral setting.
12. It should be acknowledged that the condition does not prohibit development but ensures that any proposals are carefully assessed for their effect on those features and 'Special Qualities' that make the designated area so distinctive. High quality design that takes account of landscape character, scale and setting, can help enhance the area.
13. Moreover, I have no evidence as to why permitted development rights need to be utilised at the appeal site. For example, evidence that the viability of the unit has been negatively affected. Whilst I accept that there are other developments in the locality, as I saw on my site visit, the cumulative effect of a number of developments collectively has started to encroach on and erode the landscape features and special qualities of the AONB hereabouts. Therefore, it is not the case where one poor development can be used to justify the next.
14. I also note the appeal decision brought to my attention by the appellant<sup>1</sup>. Whilst this decision was also located at the Kymin, it varies from the appeal before me due to the full residential use and that planning permission had already been granted for an extension to which the Inspector afforded substantial weight. Therefore, I give little weight to that previous appeal decision.
15. Accordingly, I conclude that exceptional circumstances exist for it to be necessary to continue to impose the restriction on permitted development rights as set out in condition 3 of permission DC/2012/01074 for the reasons set out. To allow the proposal would, on the evidence before me, fail to conserve or enhance the Wye Valley AONB, to which I afford great weight. The proposal would be contrary to the aims of LDP Policies H4 and T2, as set out above, as well as LDP Policies DES1 and

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<sup>1</sup> Appeal reference APP/E6840/A/18/3203203

LC4, which expect all development to respect the natural character and distinctiveness of Monmouthshire's built, historic and natural environment and within the Wye Valley AONB, any development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area. None of the material considerations advanced would overcome the identified harm.

### **Conclusions**

16. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Joanne Burston*

INSPECTOR

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/02/20

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09.04.2020

## Appeal Decision

Site visit made on 28/02/20

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09.04.2020

**Appeal Ref: APP/E6840/A/19/3243777**

**Site address: The Lodge, Mount Way, Chepstow NP16 5LR**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Robert Kouba against the decision of Monmouthshire County Council.
- The application Ref DM/2019/00226, dated 13 February 2019, was refused by notice dated 28 September 2019.
- The development is Proposed new build 3 bedroom detached dwelling.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are:
  - Whether the proposal would preserve or enhance designated historic assets, including the Chepstow Conservation Area (CA) and the setting of nearby grade II listed buildings; and
  - The effect of the proposal on the safety of users of the highway network.

## Reasons

3. The appeal site falls within the Chepstow CA and accommodates The Lodge, a grade II listed building in use as a dwelling, and its associated side driveway and garden area. Immediately southeast of the site are a row of Georgian townhouses, many of which are also grade II listed. Vehicle access to the site is obtained via Mount Way.

### *Historic assets*

4. The Lodge is a former lodge house to the estate of 'The Mount', the gates and house of which are prominently situated to the north and northwest of the appeal site. The building's eclectic design, with angled oriel windows, curved timber decorative gables, ornamental tiles and patterned leaded glazing mark it out as a feature building of some note and a well-preserved and prominent element of the local townscape. Its visual appearance differs significantly from the rather simpler Georgian townhouses to

the southeast. This juxtaposition is a remarkable feature of the immediate townscape as it signifies the historic transition between town and country. Collectively the listed buildings therefore hold a group value which contributes positively to the CA.

5. The setting of The Lodge will have changed substantially since its construction in the early 20th century. Modern dwellings are now a feature of the local townscape to the west, including an adjacent property granted planning permission at appeal in 2015 (Ref: APP/E6840/A/14/2228066). Nonetheless, whilst it is now a domestic dwelling rather than a gatehouse, The Lodge retains a tangible visual connection with nearby parts of The Mount estate which have retained a predominantly open character. This includes its side garden area and the planted lawns to the north. These nearby open spaces allow The Lodge to be experienced as a 'gateway' feature building and are inherently contributory to its setting.
6. The proposed dwelling, the subject of this appeal, would be located within the existing side garden. The front elevation would be set behind that of The Lodge but forward of the adjacent property to the west. Although the ground floor level would be set below Mount Way, the dwelling's roof plane would appear higher than that of The Lodge from various viewpoints. The current gap between the listed building and the newer built form to the west would be considerably reduced, with much of the remaining area between The Lodge and the proposed dwelling given over to vehicle parking.
7. Due to the proposed dwelling's bulk, mass and siting, in several viewpoints from Mount Way and Welsh Street The Lodge would appear as a continuation of the built form of Mount Way rather than experienced as a feature building in its own right. By encroaching on the setting of the listed structure the appeal scheme would severely diminish the surrounding soft landscaped character which is an essential component of The Lodge's setting. The proposed dwelling's bland, featureless flank wall would dominate and compete with The Lodge in close-range views, causing material harm to the listed structure and to this part of the CA.
8. I have had regard to the previous appeal decision on the adjoining area of land. Whilst they share some characteristics, the two are not comparable as this appeal concerns the erection of a dwelling on land which is materially closer to The Lodge than that already constructed. Similarly, any previous discussions, applications and permissions for proposals at No 1 Mount Way have little bearing as there is no evidence that these are comparable in form or siting to the proposed appeal dwelling. I afford these matters limited weight.
9. Having regard to the duty imposed by Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the proposal would neither preserve nor enhance the character or appearance of the CA and would not preserve the setting of a listed building, thereby conflicting with the design and built heritage objectives of policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan (LDP).

#### *Safety and convenience of highway users*

10. The proposed dwelling's access point would be located on Mount Way near to the junction of Welsh Street (B4293). The submitted plans show that there would be sufficient space for three vehicles to be parked in 'tandem layout' within the driveway of the proposed dwelling. The re-sited access point for The Lodge would lie immediately adjacent and its driveway would accommodate space for two vehicles, parked side by side. The plans indicate that there would be insufficient space for vehicles to turn behind the front boundary fences within either property.

11. The Lodge currently has a turning point within its driveway. Its limited geometry and the presence of various obstructions would, in my view, encourage drivers to exit the existing property in reverse gear. Nonetheless, the appeal proposal would materially increase the likelihood and frequency of vehicles reversing onto Mount Way. They would, however, be undertaking such manoeuvres within a street of residential character which I saw is lightly trafficked. Despite the proximity of the junction and the prevailing topography, sightlines towards the proposed driveways are relatively unobstructed, including on the approach from the west and from Welsh Street.
12. Moreover, the plans indicate that the front boundary fences would continue to be set back from the footway rather than abut it. This buffer strip would allow reversing drivers to gauge hazards prior to manoeuvring across the footway and onto the roadway. The fence line would also provide ample visibility for oncoming pedestrians, cyclists and drivers to foresee potential hazards. Although vehicles may have to wait on the footway for traffic to pass, this would not happen with such frequency or for such a duration as to inconvenience pedestrians.
13. For the above reasons I conclude that the proposal would accord with the highway safety objectives of LDP policies S16 and MV1.

### **Other Matters and Conclusion**

14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.
15. I recognise that the proposal would make a modest contribution towards the County's housing supply in a sustainable location. I also find that the proposal would be acceptable in highway safety terms. Nonetheless, these matters do not outweigh the identified harm to historic assets. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Paul Selby*

INSPECTOR

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