

# Public Document Pack



Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 23 Tachwedd 2020

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 1af Rhagfyr, 2020 at 2.00 pm  
Remote Microsoft Teams Meeting

### AGENDA

| Eitem Ddim | Eitem  | Tudallennau |
|------------|--|-------------|
| 1.         | Ymddiheuriadau am absenoldeb   |             |
| 2.         | Datganiadau o Fuddiant   |             |
| 3.         | Cadarnhau cofnodion y cyfarfod blaenorol   | 1 - 4       |
| 4.         | Ystyried yr adroddiadau Ceisiadau Cynllunio dilynol gan y Prif Swyddog – Menter (atodir copïau).   |             |
| 4.1.       | Cais DM/2018/00757 – Cynnig i newid defnydd hen reilffordd, a gaiff hefyd ei defnyddio ar hyn o bryd fel mynediad fferm, i drac fferm a thrac seiclo/llwybr troed defnydd cymysg. Bydd angen clirio peth tyfiant, deunydd wyneb a gosod wyneb llwybr a chodi ffens mewn rhannau i wahanu traffig fferm o seiclwyr/cerddwyr. Hen linell rheilffordd, Woodside, Brynbuga i dir i'r gorllewin o safle Coleg Gwent, Monkswood. | 5 - 14      |
| 4.2.       | Cais DM/2019/02012 – Cynnig i ddatblygu 24 uned gofal ychwanegol (Defnydd Dosbarth C2), mynediad a maes parcio, tirlunio, trin ffiniau a dull o amgau. Tir i'r De o fwyty Brewers Fayre, Heol Iberis, Llanffwyst.  | 15 - 32     |
| 4.3.       | Cais DM/2020/00703 – Adeiladu tŷ tair ystafell wely. Pwllmeyric House, Pwllmeurig, Cas-gwent.  | 33 - 40     |
| 4.4.       | Cais DM/2020/00712 – Caniatâd cynllunio ôl-weithredol ar gyfer newid mynediad cerbyd. Cae (2140) Lôn Waelod, Mynyddbach, Cas-gwent, NP16 6BU.  | 41 - 50     |

|      |   |           |
|------|---|-----------|
| 4.5. | Cais DM/2020/00875 – Newid defnydd bloc stabal i lety gwyliau hunangynwysedig. Stablau, Church Farm, Lôn Church Cottage, Wolvesnewton Devauden. | 51 - 64   |
| 4.6. | Cais DM/2020/00968 – Codi ysgubor amaethyddol ar gyfer gwair a pheiriannau. Tir yn Llanvihangel Court, Devauden, Cas-gwent.                     | 65 - 72   |
| 4.7. | Cais DM/2020/01036 – Ad-leoli mynediad a chlwyd, phlannu newydd a chadw trac mynediad. Bluebell Farm, Heol Blackbird Farm, Earlswood.           | 73 - 80   |
| 4.8. | Cais DM/2020/01328 – Adeiladu 2 dŷ pâr 2 ystafell wely yng ngardd rhif 7 Heol Parc, Cil-y-coed. 73 Heol Parc, Cil-y-coed, NP26 4EL.             | 81 - 88   |
| 4.9. | Cais DM/2020/01517 – Trosi cyfran ecwiti un o'r unedau fforddiadwy yn gyfraniad ariannol. Swan Meadow, Heol Trefynwy, Y Fenni, NP7 5HF.         | 89 - 92   |
| 5.   | ER GWYBODAETH – Yr Arolygiaeth Cynllunio – Penderfyniadau Apeliadau a dderbyniwyd:  |           |
| 5.1. | Pwllmeyric Lodge, Badgers Meadow, Pwllmeurig.   | 93 - 96   |
| 5.2. | Worthybrook Farm, Wonastow, Trefynwy.   | 97 - 100  |
| 5.3. | Worthybrook Farm, Wonastow, Trefynwy – Penderfyniad ar Gostau.  | 101 - 102 |

**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 ddyndwyd 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 neilltuol 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 gweddwlun 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 neilltuol;
- 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, gweddwlun, 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-ddefnydd 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 (Mehffin 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 rhanddirymiadau. 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**  
**Remote Microsoft Teams Meeting on Tuesday, 3rd November, 2020 at 2.00 pm**

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

County Councillors: 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 and S. Woodhouse

### **OFFICERS IN ATTENDANCE:**

|                          |  |
|--------------------------|--|
| Craig O'Connor           | Head of Planning                         |
| Philip Thomas            | Development Services Manager             |
| Andrew Jones             | Development Management Area Team Manager |
| Amy Longford             | Development Management Area Team Manager |
| Denzil – John Turbervill | Commercial Solicitor                     |
| Richard Williams         | Democratic Services Officer              |

### **APOLOGIES:**

None.

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

None received.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 6<sup>th</sup> October 2020 were confirmed and signed by the Chair subject to the following amendment:

Application DM/2020/00883, bullet point 11, third sentence be amended as follows:

The Model Standards Conditions for Caravans 2008 document referred to in paragraph 61 states that caravans must be spaced at least six metres from any other caravan but the distance can be reduced to a minimum of 5.25 metres with fire resistant cladding materials being added.

#### **3. Application DM/2019/01004 - Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities. Greenfield, Merthyr Road, Llanfoist**

We received the report of the application and late correspondence which was presented for refusal for one reason as outlined in the report.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

#### Remote Microsoft Teams Meeting on Tuesday, 3rd November, 2020 at 2.00 pm

The application had been presented to Planning Committee on 6<sup>th</sup> October 2020 with a recommendation for approval subject to conditions. However, the Committee had been minded to refuse the application as follows:

By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate the form, scale, siting and materials of its setting. In addition, the proposed scheme will be harmful to the outlook and privacy of neighbouring occupiers in an area characterised by high standards of privacy and lower density of development and would restrict long views towards the Blaenafon World Heritage Site. Furthermore, the proposed development is unable to demonstrate positive biodiversity mitigation or enhancement and protection of species of importance. Consequently, the development would not be in accordance with policies NE1, S13 and DES1 b,c,d,e,g and I of the Monmouthshire Local Development Plan.

The application was therefore re-presented to Planning Committee for refusal with an appropriate reason for refusal.

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

- The local Member for Llanfoist accepted the reasons for refusal of the application.
- A member of the Committee expressed support for the application and agreed with the original officer recommendation that the application should be approved subject to conditions.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Powell that application DM/2019/01004 be refused for the reason outlined in the report.

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

|                 |   |    |
|-----------------|---|----|
| For refusal     | : | 15 |
| Against refusal | : | 1  |
| Abstentions     | : | 0  |

The proposition was carried.

We resolved that application DM/2019/01004 be refused for the reason outlined in the report.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

Remote Microsoft Teams Meeting on Tuesday, 3rd November, 2020 at 2.00 pm

**4. Application DM/2019/02012 - Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure. Land To South Of Brewers Fayre Restaurant, Iberis Road, Llanfoist**

We considered the report of the application which was recommended for approval subject to the 13 conditions outlined in the report.

The application had been presented to Planning Committee on 6th October 2020 with a recommendation for refusal. However, the Committee had been minded to approve the application. The application was therefore re-presented to Planning Committee for consideration.

In noting the detail of the application, the local Member for Llanfoist supported the recommendation for approval.

It was proposed by County Councillor G. Howard and seconded by County Councillor P. Murphy that application DM/2019/02012 be approved subject to the 13 conditions outlined in the report with an additional informative being added, as outlined in late correspondence.

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

|                  |   |    |
|------------------|---|----|
| For approval     | - | 16 |
| Against approval | - | 0  |
| Abstentions      | - | 0  |

The proposition was carried.

We resolved that application DM/2019/02012 be approved subject to the 13 conditions outlined in the report with an additional informative being added, as outlined in late correspondence.

**5. Application DM/2020/00623 - Removal of condition numbers: 5, 6 and 12 relating to application DC/2015/01424. Land Adjacent Upper Maerdy Farm, Red Hill To The B4235, Llangeview, Usk**

We considered the report of the application which was recommended for approval subject to the 13 conditions as outlined in the report.

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

- That condition 6 be amended as outlined in late correspondence.
- That an informative be added to include reference for the need for a site licence.

The local Member for Llanybi Fawr, also a Planning Committee Member, outlined the following points:

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

#### Remote Microsoft Teams Meeting on Tuesday, 3rd November, 2020 at 2.00 pm

- Concern was expressed that the dimensions outlined in the report regarding plots 1 and 2 were incorrect resulting in a total area for each of the units of 72.5 Sq. metres.
- Llantrisant Community Council objects to the application on the scale and massing of the three units.
- Plot 3, which is currently under construction, is excessively lit for the area.
- Screening from this area has been removed.

It was proposed by County Councillor A. Davies and seconded by County Councillor R. Harris that application DM/2020/00623 be approved subject to the 13 conditions outlined in the report and that an additional lighting condition be added to ensure a lighting scheme is submitted to and agreed for the site before occupation of any pitch, and that the lighting installed on site shall only be as agreed by this scheme. Condition 6 be amended as outlined in late correspondence. An informative be added to include reference for the need for a site licence.

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

|                  |   |    |
|------------------|---|----|
| For approval     | : | 13 |
| Against approval | : | 1  |
| Abstentions      | : | 2  |

The proposition was carried.

We resolved that application DM/2020/00623 be approved subject to the 13 conditions outlined in the report and that an additional lighting condition be added to ensure a lighting scheme is submitted to and agreed for the site before occupation of any pitch, and that the lighting installed on site shall only be as agreed by this scheme. Condition 6 be amended as outlined in late correspondence. An informative be added to include reference for the need for a site licence.

#### **6. The Planning Inspectorate - Appeal decision: Land at Myrtle Cottage, Caerwent Link, Caerwent**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Myrtle Cottage, Caerwent Link, Caerwent on 8<sup>th</sup> September 2020.

We noted that the appeal had been dismissed.

#### **7. Appeal Decisions April 2019 - March 2020**

We noted the new appeals decisions received from April to March 2020.

**The meeting ended at 2.59 pm.**



**Application Number:** DM/2018/00757

**Proposal:** Proposal to change use of former railway line, which is also currently used as farm access, to a mixed use farm track and cycletrack / footpath. This will require some clearance of vegetation, surface material and laying of a surfaced path and construction of a fence in parts to segregate farm traffic from cyclists / walkers

**Address:** Former railway line, Woodside, Usk to land west of Coleg Gwent site, Monkswood

**Applicant:** Mr Mike Moran

**Plans:** Sustrans – Usk to Little Mill Traffic Free Route Ecological Appraisal, SE-001 Usk to Pontypool Feasibility Study, SD/12\_USK A, SD/01 B, SD/90\_USK A,

## **RECOMMENDATION: APPROVE**

Case Officer: Mr Andrew Jones  
Date Valid: 11.09.2019

**This application is presented to Planning Committee as the application has been made by Monmouthshire County Council**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

This application relates to the construction of Phase 2 of a cycleway/ footpath from Usk to Little Mill along the route of the disused railway track between Usk and the A472 to the west of Coleg Gwent. The planning application relates to only the eastern section of the total cycle route. The proposal forms a section of the proposed "Sustrans" Usk to Pontypool National Cycle Network route 466. The other sections of the cycleway are planned between Glascoed Lane and Little Mill and connections to the roundabout at Mamhilad. The Little Mill to Monkswood route has previously been granted planning permission under application DC/2016/01002.

#### **1.2 Value Added**

The application has seen further ecological survey work requested and submitted following advice from the Council's Ecologist. The proposed boardwalk ramp at the commencement of the route has also been removed from the application; for the sake of clarity reference to a proposed bridge over the A472 is only indicative and would require a separate application for planning application. Finally the other change sought through the application process is that the applicant is now MCC, this followed concerns by the highway authority regarding the original applicant's ability to deliver the scheme. The change now negates the requirement for the applicant to enter into formal agreements with the Council as Highway Authority to deliver the scheme where it directly affects the publically maintained highway.

#### **1.3 Proposal Description**

As noted the proposal is for the creation of a footway / cycleway with shared agricultural use by Coleg Gwent Agricultural College and existing land users; the route is along the line of the dismantled former railway line. The route is divided into six areas commencing just off the A472 opposite the Usk Island picnic area car park and terminating just past the BAE Systems entrance. The proposed cycleway path would vary between 2.5 and 3.5 metres wide made up of a shallow

depth of 50mm with a minimum excavation required to lay down a granular stone sub-surface and a limestone dust surface.

## 2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|------------------|-------------|----------|---------------|
| None.            |             |          |               |

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S7 LDP Infrastructure Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### Development Management Policies

GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV4 LDP Cycleways  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection

### Supplementary Planning Guidance

Green Infrastructure April 2015

## 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

Technical advice note (TAN) 18: Transport - 2007.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Llanbadoc Community Council** - Have concerns whether the scheme is deliverable. As such do not feel can make a recommendation and should be considered by planning committee, although do not wish to speak at planning committee.

**MCC Highways** - The highway authority note that the applicant is now Monmouthshire County Council; the highway authority removes their concerns regarding the applicant's ability to deliver the scheme. The highway authority therefore as stated previously maintain no objection to the proposal and welcomes the development of the shared footway / cycleway.

**MCC Ecology** - Subject to the imposition of planning conditions to secure implementation of the Wildlife Protection & Enhancement Plan which includes measures to avoid pollution incidents during the construction phase, and a planning condition for pre-construction check for otter, it is concluded that the project will not adversely affect the integrity of the River Usk SAC. In accordance with the Regulations, Natural Resources Wales have been consulted on the Appropriate Assessment (03/01/2020).

**MCC Tree Officer** - I have visited this site on several occasions and it is my opinion that the impact of this proposal on trees is low, subject to planning condition.

**Natural Resources Wales (NRW)** - We do not object to the application as submitted.

**Torfaen County Borough Council** – No objections.

## 5.2 Neighbour Notification

Five objections have been received raising the following area of concerns:

- Segregated Access
- Width of Access
- Farm Waste Disposal
- Safety
- Security
- Privacy
- Himalayan Balsam
- Litter Nuisance
- Misuse of Track
- Crosses land owned by BAE
- Adverse Impact on Livestock

One letter of support noting the following:

- Roads in area unsuitable for young and inexperienced cyclists

## 5.3 Other Representations

Woodland Trust - Objects to this development on the basis of damage and loss to ancient woodland.

## 5.4 Local Member Representations

Councillor Val Smith - Noted safety concerns and would wish application to be presented to Planning Committee if recommended for approval.

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

Planning Policy Wales (PPW) 10 makes it clear in para 4.1.28 that "the planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act (2013) and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities".

The theme of active travel, in particular moving away from private motor vehicle dependency, is prevalent throughout PPW10 which acknowledges in para 4.0.2 that "planning authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education".

Within the adopted Local Development Plan (LDP) there is further policy support via Policy MV4 which sets out that "New cycleways will be permitted where they provide improved opportunities for sustainable travel or recreational cycling, subject to no adverse impact on pedestrian / cyclist safety and subject to detailed planning considerations".

The principle of a change of use to a shared cycle/footpath is acceptable having regard to both local and national planning policy. Consideration of the detailed planning considerations is set out in the ensuing sections of this report.

## **6.2 Place Making**

### **6.2.1 Good Design**

The most significant form of operational development, and the most visually prominent, originally proposed was the boardwalk at the route entrance opposite the Usk Island car park. However, as noted at the outset of this report this element has been removed from the proposal owing to its proximity to the public highway. The boardwalk would have run parallel with the A472 within the publically maintained highway for a distance of approximately 30 metres. Full details of how the route will connect with the public highway are to be agreed via planning condition; the design solution would need to be moved into the site outside the limits of the public highway.

The track itself would have limited visual impact given the surfacing proposed and the fact large parts of the route are screened via mature vegetation that flanks either side of the former railway line.

It is therefore considered that the proposal would have limited visual impact and therefore complies with the requirements of Policy DES1 of the adopted LDP.

## **6.3 Landscape**

As detailed in para. 6.2.1 above, the proposal is considered to have low visual impact to the wider view of open countryside, the amount of new infrastructure required is limited and given the existing presence of the former rail line it is not considered any further adverse visual impact is caused. The Council's Tree Officer has visited the site and is satisfied that the impact on existing trees along the route would be low. Only a small amount of excavation work will be required to facilitate the track, although a detailed condition is to be attached to ensure trees are safeguarded including the appointment of a Project Arboriculturist to oversee works.

## **6.4 Biodiversity**

The application has been submitted with sufficient survey work to inform the planning decision and also includes a Wildlife Protection and Enhancement Plan. All documents have been subject to consultation with the Council's own Ecologist as well as NRW.

The site crosses over a tributary of the River Usk SAC (Berthin Brook) via an existing bridge and terminates 100m away from the SAC, accordingly a Habitats Regulations Assessment (Appropriate Assessment) has been carried out to determine whether there will be any detrimental impacts on the SAC.

This has concluded that subject to appropriate planning conditions, that the project will not adversely affect the integrity of the River Usk SAC. In accordance with the Regulations, Natural Resources Wales have been consulted on the Appropriate Assessment (03/01/2020).

The Berthin Brook Meadow SINC will be unaffected by the scheme despite being immediately adjacent to the site. The scheme does not include any works on this marshy grassland.

Other protected species including bats, badgers, reptiles and nesting birds have been considered through the survey and subject to condition would not be adversely impacted by the development. Accordingly the development is considered to comply with the requirements of Policy NE1 of the adopted LDP.

## 6.5 Impact on Amenity

The primary issue in terms of impact on residential amenity is the impact on the properties known as Little Henrhiw and Lisvane which are located towards the conclusion of the route. The route runs to the rear of these properties and as noted on the submitted plans a condition will be attached to agree a scheme of improved screen fencing in this location.

Owing to their position in proximity to the busy A472, it is not considered the provision of cycle path to the rear of these properties would create such additional noise or harm to residential amenity so as to warrant refusal. In addition it is not considered that users of the cycle path would cause any unacceptable harm to the privacy of these properties.

The development is therefore considered to comply with Policy EP1 of the adopted LDP.

## 6.6 Highways

### 6.6.1 Sustainable Transport Hierarchy

The Sustainable Transport Hierarchy is a key component of PPW10 and sets out clear aspirations to prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

This application forms part of a wider proposed "Sustrans" Usk to Pontypool National Cycle Network route 466. As such it will eventually form part of a wider network that provides opportunity for greater use of cycling, as well as walking, over travel by motor car and therefore is considered to fully accord with the aims of the Sustainable Transport Hierarchy.

### 6.6.2 Access / Highway Safety

As noted previously in this report the original boardwalk ramped entrance to the site has been removed from the proposal following concerns highlighted by the Council's Highway Engineer. Full details of how the route would connect to the public highway will be agreed via condition that will allow for further detailed consultation with Highways.

The change of applicant to MCC also removed the Highway Engineer's original concerns with deliverability and the issues of entering into agreements where works directly affect the publically maintained highway.

A number of concerns have been raised with regard to safety issues associated with use of the route and potential conflict with the surrounding working farms.

A condition is to be attached that will require detailed design, technical audits and safety audits for the construction of the mixed use farm track and cycle track / footpath. The Council, as the new applicant, has recently met representatives of Coleg Gwent to review these concerns. Whilst it was originally intended to erect a fence along the middle of the track to separate members of the public using the route from farm stock and vehicles it was concluded this was not a practical solution. The details, to be agreed via the aforementioned condition, will include the installation of a small number of pedestrian/cycling refuges, each one in view of the other, over a relatively short section of the route so that pedestrians can shelter there on the occasions when there are any farm vehicle movements. This short section of route will cover that part between the points where the Coleg Gwent land ownership starts to the metal gate beyond the farm buildings. It is anticipated that the design for the refuges will consist of a post and rail fence construction with stock proof fencing beneath.

Therefore the provision of the cycle route is considered, subject to conditions, to accord with the requirements of Policy MV1 of the adopted LDP.

### 6.6.3 Parking

As detailed elsewhere in this report, the proposed path forms part of a wider route, rather than a defined destination in itself. It is acknowledged that designated parking for motor vehicles is not provided at either end of this section of the route. The route is principally designed to discourage use of the private motor vehicle and to encourage active travel, and is only a short distance from the Rural Secondary Settlement of Usk. Notwithstanding this public parking is provided within the

town of Usk and there are a limited number of spaces at the River Usk Island car park opposite the start of the route.

Given the active travel aspirations of the route, and its part of a long term wider network, it is not considered reasonable to provide dedicated parking spaces for this section of the route and this would be contradictory to the aspirations of the project.

## **6.7 Response to the Representations of Third Parties**

6.7.1 A number of the concerns raised through the consultation process have already been addressed in the preceding sections of this report.

In respect of farm waste disposal, the current temporary above ground system can be resolved easily through the use of slurry road ramps, a readily available and inexpensive product. These would not constitute development and therefore it would not be reasonable or necessary to condition the provision of these.

Concerns in respect of litter and misuse of the track are not material planning considerations, any anti-social behaviour that may occur in connection with use of the route would be a matter for the police.

The matter of land that forms part of the application site being owned by BAE systems has been referred to both the Council's Estates and Legal Departments who have concluded with the view that no part of the route would cross BAE land. Accordingly the correct land owners have been served notice in respect of the application.

## **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 principle of the development of the shared footway / cycleway is welcomed and will form part of a wider network that facilitates and encourages active travel.

It is acknowledged that this section of the route has a number of sensitive issues including biodiversity interest and highway safety, in particular the shared use of the route with adjoining agricultural uses and how it connects with the public highway.

The submission of further ecological survey work, including enhancements, has addressed the former of these issues whilst the change in applicant to MCC will help facilitate the practical deliverability of the project.

Therefore subject to the detailed planning conditions set out in Section 7.0 below the proposal is considered acceptable having regard to both local and national planning policy as well as all other material considerations.

## **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 scheme shall be implemented in strict accordance with Wildlife Protection and Enhancement Plan (Sustrans – Usk to Little Mill Traffic Free Route Ecological Appraisal).

REASON: To safeguard protected and priority species and deliver a net gain for biodiversity in line with Policy NE1.

4 Prior to the commencement of works, a scheme of preconstruction checks for protected species including otter, badger, nesting birds and bats shall be agreed in writing with the Local Planning Authority. The approved scheme shall be thereafter implemented in full.

REASON: To ensure protected species are not disturbed or their resting places damaged or destroyed during construction and to comply with Policy NE1.

5 If the change use of former railway line, which is also currently used as farm access, to a mixed use farm track and cycle track hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of the planning consent, the approved ecological measures secured through the Wildlife Protection & Enhancement Plan shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to

i) establish if there have been any changes in the presence and/or abundance of protected or priority habitats and/or species and

ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To safeguard protected and priority species and to deliver net gain for biodiversity in line with Policy NE1.

6 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority within three months of the commencement of the scheme.

The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be managed.

b) Trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The management plan shall demonstrate how the scheme considers the predicted impacts of climate change during the course of the plan period including; measures to minimise the carbon footprint of plan implementation and climate change mitigation measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

7 No development shall take place until detailed design, technical audits and safety audits have been submitted to and approved by the Local Planning Authority for the construction of the mixed use farm track and cycle track / footpath. The development shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON: In the interest of the safety of all users of the route and to comply with Policy MV1.

8 Notwithstanding the plans hereby approved no development shall take place until detailed design, technical audits and safety audits have been submitted to and approved by the Local Planning Authority for the delivery and construction of the off-site highway improvements to facilitate the safe access and egress from the public highway to the proposed mixed use farm track and cycle track / footpath. The development shall be carried out in accordance with the details hereby approved and shall be retained as such in perpetuity.

REASON: In the interest of the safety of all users of the route and to comply with Policy MV1.

9 Prior to the commencement of development a scheme for improved screen fencing in relation to the properties know as Little Henriw and Lisvane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the development being brought into use and retained as such in perpetuity.

REASON: To protect local residential amenity and to comply with Policy EP1.

10 Prior to the commencement of the scheme the following information shall be submitted to and approved in writing by the Local Planning Authority.

- An Arboricultural Method Statement (AMS) in accordance with BS 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations (BS 5837). The AMS will specifically detail the mitigation measures used where any form of construction activity conflicts with the root protection area (RPA) of any retained trees.
- An Arboricultural Impact Assessment detailing the number and locations of any tree losses shown on a scaled plan.
- A schedule of pruning works to be carried out in accordance with industry best practice i.e. BS 3998:2010 - Tree Work Recommendations.
- The appointment of a Project Arboriculturist to oversee workings within the RPA of any retained tree, the felling and pruning operations and who will be responsible for reporting to the Tree Officer of the Local Planning Authority.

The Project Arboriculturist is to be sufficiently skilled to the task as detailed in 3.3.and 3.4 of BS5837

*3.3 Arboriculturist - a person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction.*

*3.4 Competent person - A person who has training and experience relevant to the matter being addressed and an understanding of the requirements of the particular task being approached.*

The development shall be carried out in accordance with all of the details approved prior to the development being brought into use.

REASON: To ensure the protection from harm of valuable green infrastructure assets in accordance with Council Policy S13.

## **INFORMATIVES**

1 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.

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. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

3 Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

4 Please note that otters are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

5 Please note that Badgers are protected under the Protection of Badgers Act 1992. It is illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett. To avoid breaking the law, follow the advice provided by the consultant ecologist and if work is within 30m of a sett consult with Natural Resources Wales.

6 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

This page is intentionally left blank

**Application Number:** DM/2019/02012

**Proposal:** Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure

**Address:** Land to South of Brewers Fayre Restaurant, Iberis Road, Llanfoist

**Applicant:** Foxhunter Estates Ltd & Johnsey Estates UK Ltd

**Plans:** Site Plan 4874 - PL03(B) - (PROPOSED SITE PLAN), Landscaping Plan 4874 - PL04(B) - (HARD LANDSCAPE), All Drawings/Plans 4874 - PL05 - (HOUSE TYPES ), Location Plan 4874 - LP01 - (SITE LOCATION PLAN), Landscaping Plan 760 01 REV C - (LANDSCAPE STRATEGY), Other 2019-12 - PHASE 1 SURVEY, Site Plan 4874 - PL01 - (EXISTING SITE PLAN), All Drawings/Plans 4874 - PL02 - ( SITE ANALYSIS ), All Drawings/Plans 4874 - PL06 - (HOUSE TYPES F2), All Drawings/Plans 4874 - PL07 - (HOUSE TYPES G1), All Drawings/Plans 4874 - PL08 - (HOUSE TYPES G2), All Drawings/Plans 4874 - PL09 - (HOUSE TYPES G3), All Drawings/Plans 4874 - PL10 - (HOUSE TYPES G4), All Drawings/Plans 4874 - PL11(A) - (HOUSE TYPES H1), All Drawings/Plans 4874 - PL12 - (HOUSE TYPES H2), All Drawings/Plans 4874 - PL13 - (TYPES L PLANS), All Drawings/Plans 4874 - PL14 - (TYPES L1 - ELEVATIONS), All Drawings/Plans 4874 - PL15 - (TYPES L2 - ELEVATIONS), Other 4874 - PL16 - (BOUNDARY WALL SIGNAGE), Other 4874 - PL17 - (VISUAL 1), Other 4874 - PL18 - (VISUAL 2), Other 4874 - PL19 - (VISUAL 3), Other 4874 - PL20 - (VISUAL 4), Transport Assessment TRANSPORT STATEMENT - , Ecology Report 200619 1075 GCN V1 - GREAT CRESTED NEWT REPOR,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 06.01.2020

**This application was presented to Planning Committee at the request of the Local Member**

### **1.0 APPLICATION DETAILS**

This application was reported to Planning Committee on 6<sup>th</sup> October 2020 with a recommendation from officers to refuse the proposed development. Members did not accept this recommendation and deferred the application to be approved subject to conditions. The conditions below were agreed at the Planning Committee Meeting of 3<sup>rd</sup> November 2020.

Since this decision, the applicant has requested that condition number 13 be amended to remove the restriction that the extra care accommodation is used solely in association with Foxhunters estate care home. This is due to the fact that the extra care accommodation proposed within this application is a separate type of care provision and is completely separate from the Foxhunter estates. The extra care is for people with a wide range of extra care needs from mobility, frailty, physical disability, sight and hearing impairment, diabetes, MS and other issues with an age restriction of 55 or over. Given this clarification from the applicant it is considered appropriate to amend condition number 13 to the following: -

13 i)The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation.

REASON: For the avoidance of doubt as to authorised used of close care units.

Conditions previously approved on 3<sup>rd</sup> November 2020.

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 shall take place (including ground works, vegetation clearance) until a 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 to safeguard semi-natural habitats adjacent to the site.

4 No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety and local residential amenity and to ensure compliance with LDP Policies MV1 and EP1.

5 No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning

Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

7 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 G11.

8 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be managed.

b) Trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The management plan shall demonstrate how the scheme considers the predicted impacts of climate change during the course of the plan period including; measures to minimise the carbon footprint of plan implementation and climate change mitigation measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action

REASON: To provide long term management of habitats for protected and priority species and to maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13,

GI1, NE1, EP1 and SD4

9 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

10 Prior to the commencement of development (except ground clearance and preparation) an updated noise survey shall be submitted to and approved in writing by the Local Planning Authority. This noise assessment shall detail the measures taken at all residential premises (e.g. appropriate ventilation/levels of sound insulation present) to achieve the standards laid down in BS 8233:2014. This shall set out appropriate internal and external noise levels for Bedrooms, Living Rooms, Dining Rooms and Gardens for the day time (07:00 - 23:00) and night time (23:00 - 07:00). The development shall be carried out in accordance with the updated and agreed noise survey report.

REASON: In the interests of residential amenity in accordance with LDP Policy EP1.

11 The development shall be implemented in strict accordance with Wharton Natural Infrastructure Consultants Great Crested Newt Survey and Mitigation Report, Land at Iberis Road, Llanfoist, Monmouthshire dated 19 June 2020 and Wharton Natural Infrastructure Consultants Pond Design plan 200917 1075 POND Plan No V1 E003.

REASON: To safeguard protected species in accordance with the Conservation of Habitats and Species Regulations 2017.

12 No development shall take place until a Protected Species Mitigation Strategy addressing Great Crested Newt has been submitted to and approved in writing by the local planning authority. The Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The mitigation strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To safeguard protected species in accordance with the Conservation of Habitats and Species Regulations 2017.

13 i) The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation in association with and as part of the existing care home, currently known as Foxhunters Care Home.

REASON: For the avoidance of doubt as to authorised use of close care units.

## 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.
- 2 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 3 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.
- 4 Please note that Great Crested Newts are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual newts from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If great crested newts are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.
- 5 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. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately

The previous report and recommendation are below.

## **PREVIOUS REPORT**

### 1.1 Site Description

This application relates to an area of land adjacent to the existing Foxhunter Care Home in Llanfoist. The plot sits to the immediate south and south east of a Brewers Fayre pub, McDonald's restaurant, Premier Inn hotel and Costa Coffee unit. To the south of the site is a large-scale residential development (Ffordd Sain Ffwyst) and a lagoon area. The area is allocated as employment land in the current Local Development Plan (SAE1 Westgate Business Park).

### 1.2 Value Added

Amendments to the proposed landscaping and planting have been made to improve their biodiversity value:

Planting of the wildlife pond with plants suitable for GCN (species taken from the GCN conservation handbook; excluding water soldier).

Installation of solitary bee bricks in the southern elevation of properties,



Installation of integrated sparrow terraces and swift boxes to appropriate elevations  
Inclusion of a hibernacula immediately adjacent to the wildlife pond, which will be seeded with nectar and pollen rich species to act doubly as a butterfly bank.  
Wildflower seeding around the wildlife pond with ephemeral seeding on its sloping banks.  
Inclusion of integrated bat boxes to properties along the southern and western boundaries.

### 1.3 Proposal Description

It is proposed to construct 24no.extra care units (Class C2 Use) together with a new access, car parking and landscaping. The extra care development is to be operated by Dormy Care Communities who also run the adjacent Foxhunter care facility to the east of the application site. The extra care bungalows are proposed to form an extension to this. The principle support for the residents of the bungalows is proposed to be from the on-site community manager. The proposed development will also benefit from its close proximity to the Care Home with a range of leisure facilities and 24 hour emergency support.

The development will comprise the following:

8No. 1 Bedroom Units  
10No. 2 Bedroom Units  
4No. 2 Bedroom Units  
2No. 3 Bedroom Units

The proposed site layout shows 24no. units of varying types arranged around a central access road. All of the proposed units will be bungalows except for 2no. dormer bungalows and 4no.units with a two storey element. It is anticipated that one of the dwellings will be occupied by a Community Manager who will live on site.

It is proposed that the properties will be occupied by those over the age of 55. It is considered that the following elements identify why the proposed development would comprise a Class C2 use:

There will be a link between the care home in respect of use of facilities and potentially a cinema club;  
Each property will benefit from an internal alarm system linked to the Community Manager;  
The properties will benefit from fully accessible kitchens and will be designed with elderly residents in mind;  
Residents will be required to pay a service manager charge;  
The units are not to be for sale on the open market and could be restricted by a S106 obligation requiring occupants to be either in need of a specified level of care or in receipt of a specified minimum package of care services and/or above a specified minimum age;  
Eligibility criteria will need to be met prior to occupancy which will include undertaking an initial assessment of care needs with regular reviews and monitoring; and  
Given the additional costs involved in paying for care and accommodation, the units are highly likely to be occupied by those in genuine need of care as opposed to the more general public.

The distinguishing feature of C2 establishments is the provision of personal care for those who need it. Where extra care units are restricted to those in need of care by reason of old age, such as the proposed scheme, the proposed use would fall within the definition of Class C2.

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

| <b>Reference Number</b> | <b>Description</b> | <b>Decision</b> | <b>Decision Date</b> |
|-------------------------|--------------------|-----------------|----------------------|
|-------------------------|--------------------|-----------------|----------------------|

|               |  |                       |
|---------------|--|-----------------------|
| DM/2019/02012 | Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure. | Pending Determination |
|---------------|--|-----------------------|

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
 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  
 S9 LDP Employment Sites Provision

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
 EP1 LDP Amenity and Environmental Protection  
 GI1 LDP Green Infrastructure  
 MV1 LDP Proposed Developments and Highway Considerations  
 NE1 LDP Nature Conservation and Development  
 LC5 LDP Protection and Enhancement of Landscape Character  
 DES1 LDP General Design 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

**Llanfoist Fawr Community Council** - Recommend approval. Members supported the Housing Officer's recommendation of 8 affordable dwellings.

**Natural Resources Wales** - We consider that there is insufficient information with this application to confirm the likely impacts of the proposals on GCN and to be satisfied that the proposals are unlikely to result in a detrimental impact to the maintenance of their favourable conservation. Final comments in respect of revised information shall be reported in Late Correspondence.

**Welsh Government Transport** - No observations to make in relation to the A465 Trunk road.

**MCC Planning Policy** - The current application is considered premature as it is contrary to the current LDP (2014-2021) land allocation as it is an allocated employment site (SAE1 d) and this contrary to policy S9 'Employment Sites Provision' and policy E1 - Protection of Existing Employment Land.

It is noted that there has been recent pre-application advice (DM/2019/01545) and it advised in the response by the planning policy team that the proposal is not in accordance with the current LDP and to pursue the site via the candidate site process, which we are reviewing as part of the Replacement LDP (RLDP) 2018-2033 (previous response set out below for ease of reference). As part of the RLDP 'Employment land Review' we are currently within the process of assessing why some employment sites have not come forward and as part of this review we will be looking to de-allocation, reallocate and provide new employment sites in an evidenced and full considered plan led way.

This stance is further embedded in PPW 10 and recent correspondence from the Welsh Minister who states in a recent letter 'Planning Policy Wales (PPW) Edition 10 sets placemaking at the heart of our planning system. It is now a key consideration when making development plan and development management'. 'It is essential that Local Development Plans (LDPs) are produced and reviewed and their land-use allocations are delivered in line with community expectations'.

It is acknowledged a 'marketing and demand report has been submitted by Sutton Consulting Ltd (dated July 2019)' has been submitted as part of the application and this will need to be considered by Development Management on whether the findings of this report can outweigh the plan-led allocations as adopted within the current LDP.

It is noted the report concludes 'in general terms, new speculative development has not proved viable in this location and would require the support of the public sector either through intervention funding or direct build. Any such developer interest in the subject site has not progressed due in part to lack of intervention funding to facilitate such as scheme.'

Planning Policy agrees with the funding that to attract B1/B2 uses MCC needs to be actively involved and needs to attract growth and maximise opportunities through the City Deal partnership and provide appropriate land in the right locations. This is what is currently being researched and undertaken with the new LDP process.

The planning policy team therefore object to a non-B1/B2 use at this site as it is currently premature, and it is recommended the site is considered for alternative employment uses, such as the mixed use (as submitted as a candidate site) via the candidate site process for the new RLDP.

**MCC Business Insights Manager** - To date development on the site has been confined to the construction of hospitality and accommodation businesses and a care home. However, even before development began on this site, demand for B1 and B2 employment units in Abergavenny exceeded supply. This continues to be the case and results in businesses having to move outside of the county to find suitable premises to enable them to grow.

It is vital that Abergavenny can develop a wider range of B1 and B2 premises to accommodate growing businesses and attract new ones. On the face of it, this site seems well suited to B1 uses.

Whilst I recognise the benefit of developing extra care units of this kind and the fact that this project will create a degree of new employment, I am afraid that I object to the proposed development on this site, for the reasons given above and the fact that the application is effectively a residential application submitted in respect of an allocated employment site.

**MCC Environmental Health** - The current application has re-used the 2013 Contaminated Land site investigation by Earth Science Partnership - that was undertaken for the full development site. However, that report needed further actions needed including further gas monitoring, and is not

specific to the parcel of land or end use proposed.

Some further work was undertaken for the Care Home development in 2016/2017 but I had not received the additional reports I needed to be able to consider that site suitable for its end use and to discharge its planning conditions. I believe that the below comments and issues are directly applicable to the new site, as it is on neighbouring land. As such I do not think the 2013 site investigation used in the planning application is suitable and further site investigation is required (similar to that highlighted in my emails) and therefore would recommend that the following be taken into account:-

#### Contaminated Land

I would recommend that a site investigation/risk assessment procedure be undertaken by the developer in accordance with CLR11 "Model Procedures for the Management of Land Contamination". Should the Planning Authority consider it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that suitable conditions be attached to ensure that the site is fully investigated and, if necessary, remediated to ensure the protection of public health.

**MCC Highways** - No objections subject to condition requiring a Construction Method Statement.

**MCC Landscape/GI** - No objection in principle to the proposed development. Conditions required should the application be approved. Also the following financial contributions to be secured via a S106 agreement:

1. Offsite recreation: Based on £3,292 / dwelling x 24 = £79,000. To be used for improvements to recreation and green infrastructure provision within a one-mile radius of the site.

GI Bond provisions:

1. A sum of £1,500 to contribute to improvements to the local PROW network, which would include GI improvements, which may be impacted upon as a result of the proposal.

2. A sum of £1,500 to develop a GI Management Plan for a linear park and adjacent wildlife pond

**MCC Biodiversity** - These comments are in reference to both GCN, biodiversity enhancement and landscape. There are several locations where access for management and protection of ecological proposals may need to be in place.

We are relatively happy with the overall landscaping subject to some more landscape specifications and detail and landscape / GI management plan. We will want these details prior to determination of the application. Please see guidance on preparation of GI Management Plans attached.

Nest / roost box /brick proposals are considered to be acceptable as an enhancement scheme Plot 1: blue line highlights native shrub planting with hedgehog shelters / Hibernacula and butterfly banks. Very good but needs to be able to be accessed, managed and monitored effectively. Access through fence for hedgehogs needs to be identified too including beyond the site to the south and presumably east into foxhunter care home grounds. It will be important for the benefit of hedgehogs that any GI and ecological management / landscape management plan takes into account a holistic approach to hedgehog habitat management including in adjoining premises and open areas i.e. foxhunter care home GI management plan and linear park GI management plan and persimmon homes if there is one.

The pond is too isolated. The S106 shows it connected to a north/south vegetation corridor. We need to see improved habitat links between the wildlife pond near plots 9, 10 & 13 and native species / link to linear park between plots 5 and 6. Consider rationalisation of paths between plots 13 and 6 to create more well-connected habitat.

Detailed pond design needs to be provided so that we can ascertain its suitability for GCN.

Ephemeral species planting we assume to be herbaceous. It would be good to have pollinator value species with all year interest / value i.e. a balance of aesthetics, herbaceous, semi evergreens, bulbs as opposed to bedding plants.

Awaiting final comments on updated landscaping/ecology plans at time of preparing this report. These shall be reported in Late Correspondence.

**MCC Housing Officer** - Although it is a specialist housing provision there is high housing need amongst the over 60's in Abergavenny so this is an opportunity to acquire suitable housing for older persons. I am comfortable with housing acquiring the units and have no expectation of using the facilities on offer, we would use the properties as general needs older persons housing.

SEWBReC Search Results -Records of Great Crested Newts recorded locally.

### 5.2 Neighbour Notification

No comments received.

### 5.3 Other Representations

Abergavenny & District Civic Society - The application lies within an area allocated in the present Local Development Plan for 'industrial and business' uses (classes B1, B2 and B8) in the LDP. The Council has of course permitted a number of developments in the allocated area that are in other use classes, though they have created a significant number of new jobs. Despite the applicants' attempt to minimise the effect of losing this employment site, it is the best located and only substantial and available serviced site for industrial and business uses in the Abergavenny area. The Society and other groups in the area attach a high importance to attracting new employment to the town in order to reduce its unsustainable dependence on commuting to work elsewhere. We must therefore object to the use of the land for the proposed purpose, notwithstanding the need for this type of housing in the local area. The applicants' interpretation of LDP Policy E1 requires close scrutiny, especially as the proposed job creation is very low.

The applicants go to a lot of trouble to justify the application of Use Class C2 rather than C3. We have no views on that, but do note that only one new job, an on-site manager, will be directly created. Linkages with the adjoining care home are referred to, but this relationship is not necessarily assured in the future.

We recognise that the planning authority may be persuaded that the history of decisions on the Westgate site is such that its purpose and character has changed and that residential use of the application site is acceptable. Therefore, we make the following comments on the submitted plans:

- The Planning Statement refers to a Design and Access Statement but this is not available online. We therefore have no explanation of the designer's approach to the site. The layout is introspective rather than taking advantage of the views of the Blorenges and the Little Skirrid. It would also have been better to repeat the Persimmon development by facing homes to the green infrastructure corridor originally intended as a buffer between housing and industry.
- Some of the units seem unreasonably distant from parking areas, especially bearing in mind the nature of the occupants.
- While the elevational treatment of the homes is quite appealing, it is unfortunate that no attention appears to have been paid to LDP Policy SD2. Energy efficiency should be especially important in extra care homes.
- While the green corridor has now grassed over, the owners should be asked to introduce some planting to assist wildlife connectivity.

### 5.4 Local Member Representations

Cllr G Howard - Requests that the application is considered by Planning Committee.

## **6.1 EVALUATION**

### **6.2 Strategic & Spatial Choices**

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

The site is allocated for employment uses (specifically B classes). LDP Policy E1 states that:

Proposals that result in loss in employment land will only be permitted if:

- a) The site or premise is no longer suitable or well located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises
- d) there would be substantial amenity benefits in allocating alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs

Exceptionally planning permission may be granted for a change of use of existing employment land when the above criteria are not fully complied with if:

- (i) the proposal is for small scale retail uses which are ancillary to the main business/industrial activity; or
- (ii) small scale service activities of an industrial nature which are not suited to the high street and involve the sale, service or repair of vehicles or machinery.

The amount of employment land allocated for B Uses within Abergavenny/Llanfoist is extremely limited and it is acknowledged by the Council's Business Insights Manager James Woodcock that there is current demand for B1/B2 sites within this part of the County. The Asbri Planning Statement (November 2019) submitted by the applicant calculates that the development of the application site will represent 35% of the remaining development land identified in Policy SAE1, leaving 1.83 ha available within Abergavenny / Llanfoist. The applicant also argues that there is a significant supply along the Heads of the Valleys and the Welsh Government is seeking to acquire land at Cwrt-y-gollen, Powys for employment purposes. Notwithstanding this, the site is serviced and therefore currently presents an attractive and viable site for B1/B2 employment investment and its loss would therefore have a significant impact on the current supply of employment land within the Abergavenny area.

With the development of the Foxhunter care home, Whitbread Premier Inn & Brewer's Fayre, McDonalds and Costa Coffee, it could be argued that there has been a material change in circumstances in terms of the format and use class of each development on Westgate Park. The proposed scheme is intended to provide scale and critical mass to the existing care home development and create a use which is complementary to the neighbouring development. The Westgate development has matured into a mixed use scheme, which includes residential dwellings, a hotel, restaurant and a care home. The last remaining site provides an opportunity to secure a complementary use which would enhance the overall site. An industrial use (B2) may no longer be suitable in terms of the likely noise, working hours, traffic mix and associated movements of Heavy Goods Vehicles. However, offices may be less disruptive although future demand for this type of use is uncertain.

The existence of the other non -Class B uses that have been approved within the allocated employment site is acknowledged, in particular the Foxhunter Care home which this application proposes to extend. However, this development was determined prior to the introduction of PPW 10 where there is now a stronger emphasis on a plan led system to deliver in an evidenced way through the Replacement LDP, and the Council does have evidence that B1/B2 use sites are required within the locality. As such, it is not considered that this application meets the requirements of PPW10.

The applicant has argued that the Covid-19 health crisis has had a direct impact upon the property market through the disruption of both existing property transactions and proposed development and construction projects. The crisis has had an immediate impact on the use of employment floor space with an enforced increase in remote working, assisted by the greater use of technology.

This may lead to structural change in the office market, with increased home working arising from the Covid crisis and greater flexibility in future business planning. The predicted economic downturn may also weaken developer and investor appetite. This may come to pass but it is still held that the proposal should be pursued through the development plan process rather than as a standalone planning application.

In light of the above and on balance, it is considered that the proposal does not satisfy criteria (a), (b), (c) and (e) of LDP Policy E1.

Other detailed policy considerations in relation to design, landscape, biodiversity and highway considerations are applicable and are considered below.

### 6.2.2 Good Design/ Place making

The dwellings will be a mixture of bungalows and two storey dwellings. They will largely use the same materials where possible and have been designed to match the existing care home. Individual designs for uses are shown however, the majority will comprise:

Roof - Grey Tiles to match the care home  
Main Brick - Red Multi to match the care home  
Detail Coursing - Buff brick to match the care home  
Render - Cream

The proposed scheme is to incorporate measures to reduce potential adverse effects on landscape character and visual amenity. Some of these measures will bring about immediate benefit, but those which involve tree or hedge plantings may take some years to become fully effective. In the case of tree and hedge plantings for this development, these are not estimated to reach a measure of maturity until 15 years have passed; however, the required height and density to be sufficiently effective for screening views may be achieved much sooner if they were to be well cared-for and the soil and weather conditions are favourable.

The mitigation measures incorporated are as follows:

Removing the mound of soil burden and rationalising the levels across the site;

Allowance for a buffer zone/open space link and pedestrian route between the proposed development and the existing housing to the south.

The proposed buildings to be arranged around open garden courts to encourage social interaction within a healthy and attractive setting;

Individual gardens to be enclosed by low hedging/fencing for privacy/separation from surrounding developments;

Structural planting of indigenous native tree, shrub and wildflower/clover species that, together with the Green Infrastructure open-space provision, will offer food for birds and bees and provide a wildlife/habitat link from the open space/marsh area to the south-east and the wedge of open space to the west;

Setting-out an avenue of trees along the northern edge of the site to offer amenity to road users and visitors to the hospitality units, and to add some screening/softening of the new development for the limited views from the north

Materials on the building facings and in external spaces to match with those employed on the adjacent Care Home;

SUDS provision to harvest and control storm water run-off in the form of planters on downpipes and depressions in grass areas where appropriate, as well as storage crates beneath parking areas.

Creating a pond for both amenity and an additional habitat for aquatic wildlife and flora;

The planting of trees and shrubs where possible on the site to offer shade, shelter, and screening, to provide an additional refuge and foraging for birds, and to assist with visual integration with surrounding sites;

The lighting proposals for the Development to incorporate luminaires with full horizontal cut-off shields to reduce light spill and the brightening of the night sky.

It is considered that the proposed units and associated roads, gardens and shared spaces have been designed so as to ensure assimilation with the wider built context. It should also be noted

that this site has implemented planning permission allowing for B class uses and is allocated as such in the LDP. It is considered that the proposed use has been designed so as to ensure the impact in visual terms, particularly when viewed from the World Heritage Site, represents a betterment when compared with the potential use of it within classes B1/B2/B8.

### 6.2.3 Impact on Amenity/ Promoting Healthier Places

The proposed application site is separated by the commercial properties to the north by a service road and from the existing houses to the south by an approximately 20m wide linear park. As such there will be a distance of over 21 metres between any habitable windows on existing dwellings and the proposed new bungalows/houses. Only one bungalow and the access road are proposed on the boundary with the existing care home.

The residential/care use of the application site is considered to be compatible with the existing care home and the housing to the south and is also well separated from the commercial uses to the north. The layout of the proposed dwellings encourage the use of shared outdoor areas and natural surveillance but each property will have a private garden and there will be no overlooking between properties.

The proposed development is therefore considered to meet the requirements of LDP Policy EP1 and will not harm local residential amenity.

### 6.1.5 Sustainable Management of Natural Resources

The MCC LDP indicates that new developments will be expected to incorporate reduced energy demand and energy efficiency through respectively both passive design and the building fabric. The layout and design of new developments should ensure that passive design principles as set out in Figure 11 of TAN22: Planning for Sustainable Buildings, are fulfilled. The building fabric relates to the materials comprising any part of the building; walls, floor, roof etc. A list of low or zero carbon (LZC) technologies is presented in Figure 12 of TAN22.

PPW 10 5.7.8 states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance and encourages the planning system to:- 'facilitate the integration of sustainable building design principles in new development'.

The proposed landscaping to help to reduce rainwater run-off and improve air quality by using appropriate species and materials selection is supported. Appropriately located tree planting and rain gardens will also assist with any SuDS infrastructure.

## **6.2 Active and Social Places**

### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

The site is accessible by a range of transportation options. Bus stops are located within 300 meters of the site on Merthyr Road (B4246) with the following services provided:

Service No 3 - Destination - Brynmawr  
Service No 47 - Destination - Abergavenny  
Service No X4 - Destination - Cardiff

Abergavenny railway station is 1.5km to the east of the site. Services from the station operate along the Welsh Marches Line between Newport and Crewe, calling the following main destinations (Cwmbran, Pontypool, Abergavenny, Hereford and Shrewsbury) among a series of smaller towns and villages.

The site is therefore considered to be sustainable and rates highly within the Sustainable Transport Hierarchy set out in PPW10.

### 6.2.2 Access / Highway Safety



Vehicular and pedestrian access is proposed via the existing roundabout serving Iberis Road adjacent care home and McDonald's restaurant. 34 car parking spaces will be provided within the site.

The traffic impact from the overall development site was considered as part of the outline application (DC/2008/00818) and appropriate mitigation measures were agreed and implemented through local highway improvements to accommodate the traffic generated from the whole development site. The traffic associated with the application site therefore has already been considered and approved. A new transport statement has been prepared in support of the proposed development, which demonstrates that the traffic generated from the proposed care home development will in fact be less than that generated from the initial approved commercial development.

The Westgate development site consists of a purpose built commercial access road to provide vehicular access to the individual commercial development plots. The estate road consists of a main spine road and 2 roundabouts with access spurs to the respective development plots. The application site is located directly off the south spur of the south-eastern roundabout. Access to the application site is proposed directly from the south roundabout spur.

The proposed estate road serving the care development is designed as a private gated access road which has been set back from the roundabout to avoid queuing traffic.

The proposed car parking provision for the 24 care units is 34 car parking spaces for residents and visitors. This is considered to be acceptable and in line with the Monmouthshire Parking Standards 2012. Pedestrian movement from the site has been considered and a gated pedestrian link has been created to link to Ffordd Sain Ffwyst.

In light of the aforementioned, there are no highway grounds to sustain an objection to the application and the development is considered to comply with LDP Policies S16 and MV1.

#### 6.2.4 Community Facilities

Although not specifically a community facility as defined in the LDP, private housing with an element of care will benefit the wider community which is known to be aging in the County.

#### 6.2.5 Recreational Spaces

Recreational space will be provided in the form of two areas within the site. Pedestrian links to the wider footpath network have also been included.

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

#### **6.3.1 Economic Benefits**

Given the provision of care will be determined by the resident's specific requirements, it is difficult to determine the number of jobs which are likely to be created as a result of the proposed development. Notwithstanding, it is considered that circa 20 positions will be created. However, the benefits in terms of job creation are likely to be best felt by the supply chain via the provision of care services where required.

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

#### 6.4.1 Landscape/ Visual Impact

Policy LC5 of the LDP refers to the protection and enhancement of landscape. This policy states:

Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

a) Causing significant visual intrusion;

- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

Although the Monmouthshire Landscape Sensitivity and Capacity Study had assessed in 2009 that the site and its environs had a high medium sensitivity to development, so were the vast majority of land parcels throughout the fringe of Abergavenny and Llanfoist. Over many of these land parcels, including the environs of the site, there has been development over recent years. The development site is now an isolated disused piece of land, the last remaining plot within an area that has otherwise been developed. In terms of landscape character and value, the site itself is devoid of trees and other elements of landscape importance.

The Westgate area of Llanfoist, Abergavenny, in which the development site is located, was subject of a Green Infrastructure Study in 2015 in order to ensure Green Infrastructure was preserved and improved, whilst identifying development potential. The strategy/proposals from the study include:

1. A proposed linear park will link new planting and existing trees and hedgerows to provide green corridors using locally sourced native species;
2. A Management Plan will be drawn up for infrastructure planting to be managed by Management Company
3. Interlinked ponds and terrestrial habitat for Great Crested Newts will ensure flourishing of populations. Ecologist will be retained to oversee construction and management of proposals and provide on-call services
4. Study has been undertaken to assess groundwater and suitability of SUDS; permeable paving is proposed within residential area; soakaways not suitable for this site.

The application site is located circa 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which includes the slopes of The Blorenge. The landscape is assessed as part commercial, part residential sub-urban character, with influences from hospitality enterprises, care facilities and transport interchange/routes, and visual enhancement offered by the views to the surrounding mountain and hillside ranges.

The principal impact of the development will more significantly be felt by the occupants of the Persimmon housing development to the south and current users of the Westgate site especially the GI corridor (linear park) between the proposed development and the existing housing development. The LVIA submitted with the application concludes that there will be limited adverse effects on the landscape character and visual amenity. This has been broadly accepted by the council's Landscape and GI Officer on the assumption that the landscape mitigation proposed is fully implemented as per Landscape Strategy. On balance therefore it is considered that there would be neither detriment to the character of the local landscape, nor any major harm to views from the wider landscape or Public Rights of Way, or to views from neighbouring residential properties in the long term and the development therefore complies with LDP Policy LC5.

#### 6.4.4 Green Infrastructure

The range of wider functions have been identified through the LVIA and DAS. The applicant seeks to provide further connectivity to the wider footways and PROW network via a secondary pedestrian gate to the west of the site. This is welcome, however further clarification is sought to show how pedestrian access through the site will be managed. This could be included in a Green Infrastructure Management Plan that can be conditioned should Members of Planning Committee resolve to approve the application.

#### 6.4.5 Biodiversity

In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

#### 6.4.6 Flooding

The site is not within any designated flood zone.

#### 6.4.7 Water (including foul drainage / SuDS), Air, Soundscape & Light

Any future development of the site, such as creation of new surfaced parking or new paths, will require SAB consent.

#### 6.4.8 De-risking (contamination issues)

### **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 The proposed development is considered to be compatible with the surrounding area in terms of residential amenity. Wider landscape impacts would also be limited. The location is also considered to be sustainable in terms of transport and access and parking arrangements are acceptable. However, it is considered that the loss of employment land has not been justified and as such, the application is premature and should be pursued through the Replacement Local Development Plan process.

### **7.0 RECOMMENDATION: REFUSE**

#### **Reasons for Refusal:**

1. The proposed development would result in the unjustified loss of allocated employment land (SAE1d) and is therefore contrary to Policies S9 (Employment Sites Provision) and E1 (Protection of Existing Employment Land) of the adopted Monmouthshire Local Development Plan.

This page is intentionally left blank

**Application Number:** DM/2020/00703

**Proposal:** Construction of a three-bedroom house

**Address:** Pwllmeyric House, Pwllmeyric, Chepstow

**Applicant:** Mr A Roberts

**Plans:** Floor Plans - Proposed 560-A100 - , Elevations - Proposed 560-A101 - D, Location Plan 560-A102 - , Block Plan 560-A103 - , Floor Plans - Proposed 560-A100 - D, Elevations - Proposed 560-A101 - D, Location Plan 560-A102 - D, Block Plan 560-A103 - D, Design and Access Statement - , Other Pre-application Advice - , Other Footpath Schedule

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young  
Date Valid: 01.07.2020

**This application is presented to Planning Committee as there is an unresolved objection from the Highway Authority**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

Pwllmeyric House is a substantial residential property that fronts onto the A48. There is a vehicular access to the side which it shares with four other properties. To the back of the dwelling is a large courtyard, a modern dwelling and a garden area. The garden area is separated from the main dwelling by the large parking courtyard. The site slopes down slightly from the courtyard and is laid to grass. There is a coniferous hedge along the western and northern boundaries. In 2008 outline planning permission was granted for a detached dwelling on this site and this was followed three years later by a reserved matters approval. The site is located within the Pwllmeyric Development Boundary. There is a public footpath running to the rear of the site.

#### **1.2 Value Added**

Detailed advice was given at the pre-application stage.

#### **1.3 Proposal Description**

This full planning application seeks the erection of a detached 3 - 4 bedroom dormer bungalow on the footprint of the previously approved dwelling. The existing vehicular access would be used and 3no. off-road parking spaces would be provided. The main part of the dwelling would measure approximately 14 metres by 9 metres and would be 7.2 metres to the ridge. There would be two dormer windows on the front elevation and some roof lights to the rear. The dwelling would be finished in render, ivory in colour and would have Cambrian grey fibre slates on the roof. There would be a porch to the front of the dwelling and this would be clad in Welsh slate. The hedgerow to the west and north of the site would be retained. The proposed dwelling is smaller than the house previously approved on this plot.

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

| <b>Reference Number</b> | <b>Description</b> | <b>Decision</b> | <b>Decision Date</b> |
|-------------------------|--------------------|-----------------|----------------------|
|-------------------------|--------------------|-----------------|----------------------|

|               |  |          |            |
|---------------|--|----------|------------|
| DM/2019/01608 | 20% Crown lift to one Horse Chestnut in front of house.                    | Approved | 23.10.2019 |
| DM/2010/00612 | Reserved matters - proposed detached dwelling to rear of Pwllmeyric House  | Approved | 03/02/2011 |
| DC/2007/01254 | Outline - proposed detached dwelling within the garden of Pwllmeyric House | Approved | 11.02.2008 |

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
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

H2 LDP Residential Development in Main Villages  
SD4 LDP Sustainable Drainage  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
MV3 LDP Public Rights of Way

#### Supplementary Planning Guidance

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.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.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

#### **Mathern Community Council:**

Comment - confirmation that highways have carried out the necessary survey on the access for this new dwelling.

#### **MCC Highway Authority:**

Objects. The site has been the subject of a number of previous applications and the highway authority providing comments and observations on DC/2010/00612 whereby the highway authority indicated that they could not support the application due to the lack of supporting details and the access being unsuitable.

The existing means of access is not considered suitable to accommodate the additional traffic generated by the proposal. The existing access already serves five properties of varying sizes and traffic generation and servicing requirements are already considered to be excessive and below current standards.

Although the application indicates that appropriate levels of parking can be provided, the existing access has limited vehicle and pedestrian visibility onto the A48, and the drive is not considered wide enough to enable vehicles to access and egress in safe manner and any increase in vehicle movements will only increase the likelihood of conflict and inappropriate vehicle manoeuvres that are considered detrimental to the safety of users of the access and the A48.

Therefore, in the absence of any improvements to the means of access and the shared private drive the highway authority object to the proposal on highway safety grounds and cannot support the application. It should also be noted that current Welsh Government guidance recommends that a shared private drive serving more than five properties will be required to be constructed to adoptable standards; the existing arrangement and the proposal is not capable of being improved to meet the required standards.

#### **MCC Public Rights of Way - No objection.**

Attention should be drawn to Public Footpath 42 in the community of Mathern which runs through the site of the proposed development and would be obstructed by it. We are already in receipt of a path order application to divert the path to accommodate the proposed development and so we do not object to the proposed development.

#### **Sustainable Drainage Approving Body:**

The 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.

**Dwr Cymru - Welsh Water** - No objection; requests that foul and surface water be drained separately.

### 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

6.1.1 PPW 10 recognises that sufficient housing must be provided in an area to meet housing need. This plot is located within the Pwllmeyric Development Boundary within which LDP policies S1 and H2 apply and presume in favour of new residential development subject to detailed planning considerations. This includes that there should be no unacceptable adverse impact on the village

form, character and surrounding landscape. Therefore the principle of new residential development in this location is acceptable in policy terms subject to detailed considerations. The site already benefits from planning permission for a new dwelling on this plot granted in outline in 2008 and details confirmed by a reserved matters application approved in 2011. The previous application considered the site suitable for a new dwelling. While this permission has since expired, the principle of development is still considered to be policy compliant. There have been limited changes to policy since the approval. The main change in circumstance since the previous approval has been that the Local Development Plan was adopted in 2014. The previous application was considered against Policy H3 of the Monmouthshire Unitary Development Plan, which also identified the site being within the development boundary of Pwllmeyric. Thus, there has been no material change in circumstances since the previous approval to warrant a change of recommendation; the site is still considered to be suitable as per the previous assessment.

6.1.2 Since the previous approval further guidance on infill development has been produced by the Authority and so this application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019. The SPG says that infill sites are normally regarded as small gaps between existing residential properties, usually with a street frontage. In this case there is no street frontage but the proposal does represent a small gap in a residential area within the development boundary. The size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. In this case, there is no discernible rhythm but the proposal is not visually prominent within the street scene and the plot size is similar to that of the surrounding plots. The proposal would reflect the prevailing character of the area. The SPG advises that the proposal must respect the scale, form and massing of existing development in the area. There is an expectation that the massing of the proposal should be in proportion to the main property and the existing neighbouring buildings, as appropriate. In this case the proposed new dwelling would reflect the character of some of the surrounding modern properties.

## **6.2 Sustainability**

The LDP and PPW encourage sustainable development with less reliance on car based journeys. They also promote making the most efficient use of brownfield land. Pwllmeyric is on a bus route and is reasonably close to the town of Chepstow. This is considered to be a relatively sustainable location. The plot is currently residential curtilage so this is not a greenfield site. Therefore the proposal is considered to accord with a key objective of PPW10 providing residential accommodation in a sustainable location.

### **6.2.1 Good Design**

The application proposes a dormer bungalow with a ridge height of 7.2 metres. The proposed dwelling would be of a simple contemporary style with two dormer windows to the front and roof lights to the rear. There would be a porch to the front. The proposed dwelling would be finished in render, dark grey window and door frames and dark grey fibre cement roof tiles. There is a wide mix of building styles in this area of Pwllmeyric with some tradition houses and some modern infill. The design of the proposed dwelling is similar in style to the adjacent modern dwelling that was recently constructed in the grounds of Pwllmeyric House. The design of the proposed dwelling is respectful of the prevailing character of the area and would contribute towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 of the LDP.

### **6.2.2 Place Making**

PPW 10 says that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the layout, form scale and visual appearance of the development does engage with its surroundings. The proposed new dwelling will not be visually prominent when viewed from outside the site and is considered to be complementary to the existing buildings. The new dwelling will face into a communal parking area which is shared by other properties. This will contribute towards creating a sense of space, and will ensure that the amount of development and its intensity is compatible with development in the adjacent area. The proposed dormer bungalow is smaller than the previously



approved scheme which proposed a substantial four-bedroom two storey dwelling. The design, massing and scale of the proposed dwelling reflects the character of the adjacent modern dwelling. The design of the dwellings will contribute to a sense of place thus complying with one of the key objectives of PPW10.

### 6.2.3 Green Infrastructure

Policy G11 of the LDP states that development proposals will be expected to maintain, protect and enhance the diverse green infrastructure network within the County. This is a single plot in a residential area. The land is currently residential curtilage laid to grass. There is little scope or need for significant amounts of Green Infrastructure on the plot. The mature hedge along the northern and western boundaries will be retained. There is sufficient land around the property to accommodate the required soakaways.

### 6.2.4 Biodiversity

There is ecological enhancement proposed to be provided on the site in the form of bat boxes, bat tiles in the roof and hedgehog hole plates in the fence (to increase foraging opportunities). These features are identified on an amended plan. A condition is recommended to secure the implementation of these proposals.

## 6.3 **Impact on Amenity**

6.3.1 Part 7.1 of the SPG on Infill Development looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a) Whether the plot would have adequate privacy to habitable rooms and private garden space
- b) Whether a new house(s) on the plot would affect the privacy of neighbours
- c) Whether a new house(s) on the plot would affect the host dwelling

6.3.2 In this case the plot is of sufficient size to accommodate the new dwelling with adequate amenity space and parking provision for both the proposed and the existing dwelling. The orientation of the dwellings on the plot means that habitable rooms could be provided with adequate privacy. There are four dwellings in close proximity to the plot. The principal windows of the new dwelling are at the front and these face towards the rear elevation of Pwllmeyric House. Pwllmeyric House stands at a higher level than the proposed dwelling. There is approximately 25 metres between the rear elevation of Pwllmeyric House (which does not contain principal windows) and the front elevation of the proposed new dwelling. Given the distance between the two properties, adequate privacy will be attained. Meyric Cottage is immediately to the south of the plot and contains some habitable windows on the rear elevation but these overlook the proposed parking area. There will be no line of sight between the proposed new dwelling and Meyric Cottage. Springfield is a modern dwelling set at 90 degrees to the plot. It is the garden of Springfield that will be subdivided to accommodate the new dwelling. Springfield is set at a slightly higher ground level and because of the orientation of the two dwellings there will be no direct overlooking or loss of privacy. Hill Farm is to the north of the plot surrounded by mature trees and at least 30 metres from the rear elevation of the proposed dwelling. The new dwelling has only roof lights on the rear elevation, at first floor level. The new dwelling would maintain adequate amenity space for the existing which will not suffer from a significant loss of privacy.

6.3.3 Part 7.4 of the SPG considers distance between dwellings. The Council's normal privacy standard for new development is that there should be a minimum of 21m between directly facing elevations containing main habitable room windows. The proposal accords with this. To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and gable walls of neighbouring dwellings; again the proposal accords to those standards. This will ensure adequate amenity is provided for future occupiers as well as the existing residents. The proposal would therefore accord with the advice given in the SPG with regards to residential amenity and the layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties.

## **6.4 Highways**

### **6.4.1 Sustainable Transport Hierarchy**

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority with public transport second and private motor vehicles being the least desirable. In this case the site is located in the residential area of Pwllmeyric which is on a bus route to Chepstow that is less than two miles away. The site is relatively sustainable, but occupiers of the proposed dwelling are likely to be reliant on car based journeys to access most services.

### **6.4.2 Access / Highway Safety**

There is a private access off the A48 which serves Hill Cottage, Hill Farm, Pwllmeyric House Meyric Cottage and Springfield. It is proposed that the new dwelling will share this access, and thus there would be a total of six properties sharing the access. The highway authority object to the proposal on the basis that;

- the existing access serves five properties and is considered to be below current recommended standards;
- the existing access has limited vehicle and pedestrian visibility onto the A48;
- the drive is not considered wide enough to enable vehicles to access and egress in safe manner, and
- the increase in traffic generated by granting the current application would be detrimental to the safety of users of the access and the A48 as any increase in vehicle movements will increase the likelihood of conflict and inappropriate vehicle manoeuvres.

Planning officers recognise that the access into the site is narrow and that Welsh Government guidance recommends that a shared private drive serving more than five properties will normally be expected to be constructed to adoptable standards. Given the limited width of the access there is no room on the site to widen the access to bring it up to the required standards. The highway authority objected to the previous application for reserved matters in 2011 and the planning officer, at that time, recognised that the access onto the public highway was below current standards. However it was considered at the time that "the proposed additional use of the existing access was acceptable". At that time consideration was also given to the proximity of the access to the nearby junction. Whilst planning officers recognise that the existing access that serves five properties is narrow and not ideal in terms of highway safety, one additional dwelling will not significantly exacerbate the situation. There has been no material change in circumstance with regards to the access and traffic flows since the previous approval in 2011 to warrant a change of recommendation.

### **6.4.3 Parking**

The adopted Monmouthshire Parking standards require one off street parking space per bedroom up to a maximum of three spaces; this relates to the existing and the proposed dwelling. In this case the site plan indicated that three parking spaces can be provided within the site while still retaining three spaces for each of Pwllmeyric House and Springfield. The appropriate levels of parking can be provided

## **6.5 Affordable Housing**

6.5.1 LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is three or more units in Pwllmeyric, then a financial contribution is considered appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The amount of affordable housing proposed will be based on a viability assessment. In this case the contribution would be £11,136.00. The applicant has been made aware of this and has agreed to enter into a Section 106 agreement.

## **6.6 Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15.

## **6.7 Drainage**

### **6.7.1 Foul Drainage**

The foul drainage is proposed to discharge into the main sewer and would connect in the garden of Springfield which is in the applicant's ownership.

### **6.7.2 Surface Water Drainage**

It is proposed that surface water will run to a soakaway. The proposed scheme 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. The applicant has been made aware of this.

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

6.8.1 The community council have requested that MCC Highways carry out necessary surveys. The highway authority were consulted on this application and objected to the proposal on the basis of the information provided. It is not considered that a survey will change the objections from the Highway Officer. The planning officer response to this has been addressed in detail in the main body of the report.

## **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 site is located within the development boundary of the settlement and therefore the principle of a new dwelling in this location is acceptable as it accords with policies S1 and H2 of the LDP. The design of the dwelling is appropriate in this context and ensures that the residential amenity of the existing and the proposed dwellings is maintained and protected. The proposal accords with policies DES1 and EP1 as well as the provision of the SPG on Infill Development. The access into the site is narrow and this dwelling would result in six dwellings being accessed off a private drive. Although this is not ideal, it is not considered that this is sufficient justification to refuse the application, especially given that permission was granted for a dwelling on this plot in 2011, and there has been no significant material change in circumstances since then. In all other respects the proposal accords with the advice given in PPW10 and the relevant policies in the LDP and it is therefore recommended for approval.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

A financial contribution for affordable housing of £11,136.00

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

**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 ecological enhancements shown on drawing no. 560-A112 Rev A shall be carried out prior to the dwelling, hereby approved, being brought into use.

REASON: To ensure net benefit for biodiversity is secured and to accord with LDP Policy NE1.

**INFORMATIVES**

1 The 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. Details and application forms can be found at:

<https://www.monmouthshire.gov.uk/sustainable-drainage-approvingbody-sab>

**Application Number:** DM/2020/00712

**Proposal:** Retrospective planning permission for altered vehicular access

**Address:** Field (2140) Weyloed Lane, Mynyddbach, Chepstow, NP16 6BU

**Applicant:** Mr G. Mustoe

**Plans:** Location Plan - , Site Layout

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton  
Date Valid: 13.07.2020

**This application is presented to Planning Committee following the receipt of public objections and a call in request from the Ward Member with concerns regarding highway safety and policy compliance**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

The application site forms part of a 1.5 acre field, laid to pasture positioned to the north-east of Weyloed Lane, on the northern side of Mynyddbach, accessed from the B4235 to the north. The site as a whole is located in an area of open countryside, outside of the defined development boundary of Mynyddbach, within the community of Shirenewton as identified the Proposal Map of the adopted Local Development Plan.

The field is positioned on a gradient that falls from south to north towards the B4235. The boundaries are defined by a combination of fencing, hedges and a number of mature trees. Four of the trees along the southern boundary are protected by tree preservation orders, including an oak tree (ref: OMC: 81/T12) immediately adjacent to the eastern side of the turning area.

The definitive route of public footpath 380/17/1 crosses through part of the site from east to west. A finger post and stile have been installed in the northern boundary of the field.

Details available via Google Street View indicate that the site has historically been accessed by a five bar gate with associated dropped kerbs in the north-western corner of the field.

#### **1.2 Value Added**

The scheme has been amended to relocate the proposed gateway further back into the site from the edge of the carriageway to indicate the path of the public right of way and to provide ecological mitigation in the form of additional hedgerow planting along the eastern side of the track.

The latest amended plans also detail the removal of the turning area and 13m of the upper part of the track (i.e. any part of the existing development to the south of the proposed gate).

#### **1.3 Proposal Description**

The application seeks retrospective planning permission for the creation and partial retention of a new vehicular access into a field.

As created the track measures approximately 4m wide, 26m long, terminating in a hardstanding turning area at the southern end of the track measuring approximately 13m wide and 11m deep. The track and turning area have been constructed from hard core/ rubble type material. As specified above, the plans have now been amended to indicate that the upper part of the track and turning area will be removed.

The plans detail that the original point of access at the northern end of the track, adjacent to the B4235 will be increased to 5m wide. At the time of inspection, the access was defined by the original gate and newly installed post and barbed-wire fence. It is proposed that a 3.6m wide gate be repositioned 13m into the field with a new post and wire fence and hedgerow provided alongside the eastern side of the access and a new connecting fence provided from the western side of the new gate to the party boundary with Wayside House to the west. A 5m deep solid surface entrance apron (either concrete or tarmac) will be provided adjacent to the rear edge of the B4235 carriageway.

Following discussions the applicant has confirmed that they intend to use the land for the grazing of animals, with daily welfare visits undertaken.

## 2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description  | Decision              | Decision Date |
|------------------|--|-----------------------|---------------|
| DM/2020/00712    | Retrospective planning permission for vehicular access track and turning area. | Pending Determination |               |
| DC/2003/00342    | Retention Of Front Garden Wall.  | Approved              | 10.03.2004    |

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

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

### Development Management Policies

EP1 LDP Amenity and Environmental Protection  
 MV1 LDP Proposed Developments and Highway Considerations  
 MV3 LDP Public Rights of Way  
 DES1 LDP General Design Considerations  
 RE3 LDP Agricultural Diversification  
 SD4 LDP Sustainable Drainage  
 LC1 LDP New Built Development in the Open Countryside  
 LC5 LDP Protection and Enhancement of Landscape Character  
 GI1 LDP Green Infrastructure  
 NE1 LDP Nature Conservation and Development

## 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**

#### Original plans

**Shirenewton Community Council** - Recommends the application be refused.

The application does not address the road safety concerns of the neighbours. A highways report should be sought.

The official route of the footpath has not yet been fully defined and there are no proposals as to how the footpath is to be accommodated.

The applicant has failed to acknowledge the relevant tree preservation orders.

The hedgerows removed for construction have not been restored.

**MCC Ecology** - Objection raised.

The application site is located on a Site of Importance for Nature Conservation, known as Land off Usk Road/Wayside. It was designated for its grassland and hedgerows. Further details with regards to hedgerow removals, extent of buffer to hedgerow, TPO tree and a Preliminary Ecological Assessment that considers the criteria of Policy NE1 and demonstrates how the proposal can provide net benefit should be provided.

**MCC Rights of Way Officer** - Objection raised.

The applicant's attention should be brought to Public Footpath 17 in the community of Shirenewton. Although the application plan is not very detailed it appears that Footpath 17 would be obstructed by the proposed development.

**MCC Tree Officer** - The application cannot be supported in its current form,

Whilst no adverse comment is made in relation to the removal of the hedge, concerns are raised about the probable damage to tree roots by the installation of a stone-based turning area close to the trunk of a statutorily protected Oak tree.

#### Amended plans

**MCC Highways** - Raise no objections subject to the imposition of conditions.

**Rights of Way** - Raise no objections subject to the imposition of advisory notes regarding the public right of way.

**MCC Tree Officer** - Response awaited.

### **5.2 Neighbour Notification**

The application has been advertised by direct neighbour notification, the erection of a site notice and publication of a press notice.

Nine letters of objection have been received and are summarised as follows:

- Close to adjoining properties
- General dislike of proposal
- Inadequate access include the safety of a trailer exiting onto the 40mph B-road and sharp bend; there have been a number of collisions and this access will cause more. There is reduced visibility which is again dangerous. This will be particularly hazardous to cyclists and children
- Inadequate parking provision, in addition parking on the gravel layby will be an obstruction to visibility at the junction creating a hazard
- Increase in traffic, from the proposed development on an already busy road
- Information missing from plans, confusion over the public footpath.
- Not enough information given on the application
- Strain on existing community facilities
- The 5m wide access suggests another function for the site
- Concerns over the impact of the turning circle on the protected trees as the Oak was damaged during recent works which need to be preserved.

### 5.3 Local Member Representations

The Ward Member, Cllr Brown was notified of the application on 14th July 2020 and has requested the application be presented to Planning Committee with concerns in relation to highway safety and LDP policy compliance.

## 6.0 EVALUATION

### 6.1 Strategic & Spatial Choices

#### 6.1.1 Principle of Development

The application seeks retrospective planning permission for the vehicular access track on land to the east of Weyloed Lane Mynyddbach. The latest plans submitted in support of the application indicate that the upper element of the track and turning area are to be removed. The application is therefore the revised access arrangements including the tarmac hardstanding created in front of the gates.

Based on images available via Google Street view, it is apparent that there has been a gate into the field, at the point of the current altered access since at least 2009. Despite this, the alterations to the access are considered to be a new access. Schedule 2, Part 2, Class B of the General Permitted Development Order 1995, grants permitted development rights for 'the formation, laying out and construction of a means of access to a highway which is **not a trunk road or a classified road**'. As the access is onto the B4235 which is a classified road, the access and subsequent tarmac hardstanding requires planning permission.

In areas of open countryside LDP Policy LC1 presumes against new development unless justified under national planning policy and/or other category specific policies. In this instance policies S10 - Rural Enterprise and RE3 - Agricultural Diversification are of relevance.

Following discussions the applicant has advised the works have been undertaken to allow vehicles to access and egress the site in a forward gear in the an attempt to improve the existing highway safety situation. It is intended that visiting vehicles would park on the track, off the highway, and then open the gate, with the potential to take vehicles into the site. It is proposed that any new gateway be positioned 13m to the south of the rear edge of the existing carriageway in order to provide sufficient space to allow a vehicle and towed trailer to stand off the highway whilst the gate is being opened. The applicant intends to use the land for the grazing of animals.



Being mindful that the track has been developed to enhance the functional access to the site by the applicant when checking on animals grazing in the field and to improve the existing highway safety situation, the principle of development is considered compliant with policies S10 and RE3 acceptable in the broadest terms, subject to the application satisfying a number of material planning considerations.

#### 6.1.2 Good Design/ Place making

The track has been developed leading from the original gateway opening, up the field adjacent to part of the western boundary. As a result of the slope of the land and the surface material used, the track is currently visually prominent when viewed from the B4235. However, the development has an appearance similar to many field accesses within the County. As the surface has been finished with rubble/ hard core, it is likely that the weeds and grass will soon establish and grow along parts of the surface and exposed banks creating a twin track appearance that would help reduce the development's visual prominence and help assimilate it into its setting.

Being mindful of the latest site plan which indicates a significant reduction in the development and its positioning relative to the boundary, it is considered that the visual impact created would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application on such grounds. The application is therefore considered compliant with LDP policies S13, S17, LC1, LC5, EP1 and DES1.

#### 6.1.3 Impact on Amenity/ Promoting Healthier Places

Although located in an area of open countryside there are residential properties to the west, south and north of the site. Irrespective of the current application, if the field were in use for the grazing of animals the applicant would still need to conduct daily welfare visits. Although the development would enhance access to the field, it is considered that its use would not lead to an increased level of noise disturbance, disruption, increased overlooking or loss of privacy relative to the original arrangement, significantly detrimental to the residential amenity of those living closest to the site. The application is therefore considered compliant with LDP policies S13 and EP1.

### **6.2 Active and Social Places**

#### 6.2.1 Transport - sustainable transport issues

The application site is located in an area of open countryside beyond the development boundary of Mynyddbach. Although there is a bus service in the area, the application seeks consent for alterations to the existing access to enhance functional operation of the site. It is highly likely that the site will be accessed by private vehicle.

#### 6.2.2 Access / Highway Safety

Issues with regard to access and highway safety arising from the use of the development are a principal concern for the Community Council and public objectors.

The site is positioned on the southern side of the B4235, immediately to the east of the junction of Weyloed Lane and opposite three residential driveways. The B4235 is extensively used and is subject to a 40mph speed limit as it passes the site with solid white lines along the centre. As a result of its location in association with the alignment of the highway, visibility from the splays either side of the application site and the junction of Weyloed Lane are reduced.

As part of their consultation responses members of the public have raised concerns that the works would exacerbate the existing highway safety situation, encourage use of the site by large and slow moving vehicles and may further reduce visibility for users of the Weyloed Lane junction.

In response to the above, it must be identified that prior to any works taking place, the field did benefit from a gated access with dropped kerbs in the northern boundary, directly adjacent to the

highway verge of the Weyloed Lane junction. Whilst information available via Google street view indicates the gateway during 2009, it is likely that it has been in place for longer. The landowner was therefore able to use the gateway for an unlimited number of trips with any type or size of vehicle without further reference to the Council. Given the close position of the gate relative to the highway and its limited width, it is likely that visiting vehicles would have stopped on the road or highway verge whilst the gate was opened, with the potential for larger or towed vehicles having to swing out into the opposite carriage way in order to undertake the manoeuvre. Alternatively, visiting vehicles would have remained parked on the verge which forms part of the visibility splay of the Weyloed Lane junction.

The key consideration with regards to highway safety must be whether the works undertaken would exacerbate the original highway safety situation to such an extent to warrant refusal of the application. If the current application is refused any enforcement action could only seek to have the land and gateway returned/ reinstated to their original form, i.e. with the access gate on the rear edge of the highway verge

Although objectors to the scheme have raised concerns about future uses of the site, at this time no change of use is proposed with the applicant clarifying that he intends to use the land for grazing. Any future application for planning permission on the site would need to assess whether the proposal would generate an increased number of vehicle movements, detrimental to the highway safety and free flow of traffic.

Based on the plans submitted, it is proposed that the width of the point of access be increased to 5m; that a 5m deep solid surface entrance apron be provided leading from the existing dropped kerb onto the track and a 3.6m wide gate be provided 13m back from the rear edge of the carriageway. Vehicles accessing the site would wait on the track and/ or pass through the gate to park within the field. It is considered that the opportunity to remove waiting vehicles from the highway, highway verge and the visibility splay of the Weyloed Lane junction is to the benefit of the safety of access and highway users.

Following consultation the Council's Highways department provided the following comments:

"The application site is an existing field, which has an existing gated vehicular access onto the B4235 at the western corner of the site adjacent to Weyloed Lane. The access in its original form consisted of a dropped kerb vehicular crossing with a field gate set back approximately 4.3m from the carriageway edge. The vehicular crossing between the carriageway edge and gate was grassed verge.

The works carried out on site consist of the construction of a compacted loose stone access track and turning area. The highway verge vehicular crossing between the carriageway and field gate has also been constructed of compacted loose stone.

Whilst the Highway Authority welcome improvements to a substandard highway verge vehicular crossing we do not support the use of compacted loose stone for verge crossings based on the potential for loose material being brought out onto the public highway. To prevent this a vehicular access should have a hard surface of concrete or bituminous material for a minimum distance of 5m from the edge of carriageway.

The Highway Authority has liaised with the Applicant through the planning process with a view to improving the existing access. It was advised that a minimum of 5m of hard surfaced material be provided from the edge of the carriageway and that the gates be set back a minimum 12m from the edge of carriageway so that vehicles serving the site are positioned off the highway when opening/closing the gate.

In response to the above, the Applicant has submitted a revised drawing that demonstrates that the first 5m from the carriageway edge will be constructed of bituminous material to prevent loose material being brought out onto the highway. In addition, it is demonstrated that the field gate will be set back 13m from the carriageway edge so that vehicles serving the site can be positioned off the highway. It is noted from the revised drawing that the turning area has now been removed however

it should be noted that it is not a specific highway requirement to have a dedicated turning area within the field, as there is already ample space within the field for turning a vehicle.

In light of the above amendments the Highway Authority have no grounds to object to the application as the proposals demonstrate a considerable improvement to the access over its original form.

Although a stile and finger post have been installed in the northern boundary of the field, approximately 20m to the north-east of the point of access, the definitive and legal route of public footpath 380/17/1 passes through the residential curtilage of Wayside House, Weyloed Lane, to the west and crosses the track and wider field from west east. Issues with regards to how the development would affect the route of the right of way has been raised by an objector.

Following review of the initial statutory consultation responses, amended plans have been received indicating the definitive route of the right of way which would remain unobstructed. The applicant has also identified that they would prefer the path to follow the definitive route rather than the one indicated by the finger post. Following review of the amended plans the Council's Rights of Way Officer has raised no objection to the application, subject to the imposition of advisory notes relating to the route of the path being maintained clear of obstruction.

On the basis of the above and subject to conditions, the application is considered compliant with LDP policies S16, MV1 and MV3.

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

#### **6.3.1 Transportation Infrastructure**

The application site accommodates an original gateway and dropped kerb adjacent to the B4235. Although the application would widen the point of access, alter the highway verge and may widen the dropped kerb, which will need require further consent from the Council's Highways Department, it is considered that the development would not detrimentally impact with wider transportation infrastructure.

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

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

The site is outside the boundary of the Area of Outstanding Natural Beauty,

As a result of the field's topography, which falls down towards the road, the development is visually prominent. However, it is considered that the surface and edges of the track will soften with use and the re-establishment of plants along the cut edges. Given the reduced scale of the development now proposed, in conjunction with its close position relative to the boundary with Wayside House, it is considered that the development does not have a detrimental impact on the overall character and appearance of the area.

#### **6.4.2 Green Infrastructure**

The widening of the gateway, has resulted in the removal of a section of hedge along the northern boundary of the site. During discussions the applicant has advised that the section removed contained briars and brambles, rather than an established hedge that is prevalent alongside the B4235. Details available via street view indicate that the northern boundary of the field is largely defined by post and chain link fencing with isolated pockets of brambles, self-seeded trees and smaller climbing plants. As part of the amended plans it is proposed that a new section of hedge be planted adjacent to the eastern side of the track in compensation.

Two of the trees in the southern part of the site are protected by Tree Preservation Orders - an oak OMC:81/T12 and a Sycamore OMC:81/T13. The hardstanding area has been developed under the canopy and within the root projection zone of the oak tree. As part of the public consultation process,

concerns have been raised that the oak tree was damaged during the construction works. This matter has been referred to the Council Tree Protection Officer for further investigation.

Following review of the original plans the Council's Tree Officer has advised that he was unable support this application, with concerns raised about the probable damage on tree roots by the installation. It was therefore recommended that the scheme be amended to either remove the turning area from beneath the canopy or install an engineered load-bearing surface within the crown spread.

Following review of the Tree Officer's comments, the applicant has chosen to remove the turning area and upper element of the track. Although revised comments are awaited from the Tree Officer, it is considered that such alterations overcome the previous objection, subject to the removal works under the canopy being undertaken by hand (as opposed to mechanical removal) and in accordance with approved details.

On the basis of the above and subject to conditions to remove the turning area and upper track and to secure and retain the new hedge, it is considered that the application would not have detrimental impact on the green infrastructure provision of the site and is compliant with LDP policies S13 and GI1 of the LDP.

#### 6.4.3 Biodiversity

Following consultation the Council's Ecologist has confirmed that the site is within a Site of Importance for Nature Conservation (SINC), known as Land off Usk Road/Wayside, it was designated for its grassland and hedgerows. An objection is raised on the basis that there is no acknowledgement of the site's protected status or ecological assessment to inform the proposals. However, as specified above the works are retrospective and it is therefore no longer possible for the applicant to provide an ecological appraisal of the affected area. Being mindful of the reduced area of the development now proposed, the retention of the wider field for grazing purposes and the provision of new hedgerow to compensate for the area of planting lost adjacent to the original gateway which should also act as ecological mitigation and enhancement, it is considered that the development is not so detrimental to the overall ecological value of the wider site and SINC to warrant refusal of the application.

#### 6.4.4 Surface water drainage

As the reduced area of the development is less than 100sq.m in area, there is no requirements for the applicant to provide on-site sustainable drainage. Measures to prevent surface water runoff onto the highway will be considered as part of the separate Highway agreement for alterations to the highway verge.

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

Following direct neighbour notification, the erection of a site notice and publication of a press notice, nine letters of objection have been received. These have been addressed above and are not repeated.

It is noted that one objector has raised concerns that the applicant has encroached on land in their ownership. As part of the application, the applicant has completed landownership Certificate A specifying that they are the owner of all the land affected by the proposal. Issues with regards to encroachment and land ownership are a private legal matter within which the Council cannot become involved.

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

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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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**

Although currently visible, it is considered that the development will soften and assimilate into its surroundings and the works will help to improve highway safety for users of the access and the adjacent Weyloed Lane junction by removing parked or waiting cars from the carriageway, highway verge and/ or visibility splay of the junction. It is also considered that the development would not have a detrimental impact on the residential amenity of those living closest and subject to conditions will provide enhanced hedgerow landscaping to the benefit of the ecological and green infrastructure value of the site.

On the basis of the above report the application is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 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.

2 Within six months of the date of this consent, the turning area and the adjoining 13m of track, within the southern part of the site, shall be removed from site and the land reclaimed and restored to its original form, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Works to remove the hard core from under the tree canopy shall only be undertaken by hand and not by mechanical extraction. The development shall only proceed in accordance with the approved details.

REASON: To ensure compliance with the approved plans, in the interests of the visual amenity and the ecological value of the site in accordance with LDP policies S13, S17, NE1 and EP1.

3 Within six months of the date of this permission, details of the proposed hedgerow to be provided along the eastern side of the track shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the proposed planting form, plant name, size, quantity, percentage mix and planting distances. The development shall only proceed in accordance with the approved details.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

4 All planting and seeding comprised in the approved details of landscaping and land restoration works shall be carried out in the first planting and seeding season following the removal of the track and turning area. Any hedging 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 G11.

5 The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the highway boundary.

REASON: To prevent the carriage of loose material onto the highway network, in the interests of highway safety, in compliance with LDP policies S16 and MV1.



**Application Number:** DM/2020/00875

**Proposal:** Change of use of stable block to self-contained holiday accommodation

**Address:** Stables, Church Farm, Church Cottage Lane, Wolvesnewton Devauden

**Applicant:** Mrs G. Hancock

**Plans:** Location Plan Site Location Plan - , Floor Plans - Proposed 18/CFNP166NY/02 - , Elevations - Proposed 18/CFNP166NY/01 - , Bat Survey Bat Surveys - , Bat Survey Bat mitigation

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton

Date Valid: 28.08.2020

**This application is presented to Planning Committee following the receipt of public objections**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application seeks full planning permission for the change of use and conversion of two existing buildings to create two self-contained holiday lets.

The buildings which are the subject of the application comprise of two modest modern structures - a concrete block building and a timber stable block, both of which are stated to have been erected during the 1980's. The applicant has submitted details specifying that the site has been used as a working family farm for the last 42 years.

The concrete block building measures 15.8m wide, 5.5m deep with a pitched roof with a maximum height of 4.10m falling to 2.50m. Externally the building is finished with partially painted blockwork elevations, a pitched slate roof with solar panels on both planes and a number of window and door openings in the northern and western elevations.

The adjacent timber stable building is L shaped in layout measuring 15.46m wide, 5.85m deep at its greatest, and has a pitched roof with a maximum height of 3.05m falling to 1.9m at eaves level. Externally the building is finished with stained timber ship-lap boarding with a corrugated sheet roof.

The buildings are positioned on the eastern side of an existing farmyard complex that also contains a large steel portal frame building and are immediately to the north of Church Cottage. Access to the site is currently gained via a set of double gates in the eastern boundary that leads onto an unmade track that also provides access to a number of residential properties to the north of the site. During 2019 consent was granted for the erection for 3ft high wall to the east of the stable building and the formation of a new access track within the western part of the site (applications DM/2019/01054 and DM/2019/01037 refer respectively)

The application site and wider area are positioned on a slope falling from north to south. As a result the buildings are below the dwellings and land to the north is roughly level with the land to the east and is raised relative to Church Cottage and Red House to the south. The site as a whole is located in an area of open countryside within the community of Devauden as identified by the Proposals Map of the Monmouthshire Local Development Plan.

## 1.2 Value Added

Following review by the Council's Ecologist and Natural Resources Wales, additional information with regards to bat mitigation has been submitted in support of the proposal.

## 1.3 Proposal Description

The plans submitted in support of the application detail the conversion of the existing concrete block building subject to a number of alterations to the window and door openings in the western elevation and demolition of the timber stable block building to be replaced with an extension measuring 15.8m wide, 4.7m deep with a pitched roof with a maximum ridge height of 4m falling to 2.3m at eaves level. Externally the extension would be finished with timber ship lap boarding with four stable type window and door openings and a smaller pedestrian sized window and door opening in the eastern elevation. The roof would be clad with slate tiles with a solar panel array provided on the eastern roof plane.

Internally the buildings would be subdivided to create two holiday lets, one two bedroom and the other three bedroom. Each unit would benefit from a kitchen, open plan living-diner space and a bathroom. Access to the units would be primarily gained from the western elevation which would face into the farmyard. A secondary means of escape would be provided in the eastern and northern elevations of the building.

Vehicular access would be gained via a recently approved access track in the western part of the site, leading from an unmade lane between Red House and Church Cottage. On-site parking would be provided on the existing yard to the west of the building.

Bat mitigation is proposed to be provided in the form of two bat boxes to be installed in the ash tree in the hedgerow to the north of the site; a replacement roof void roost for lesser horseshoe and long eared bats; a 'hot box' made from untreated wood, rough sawn wood within the southern gable of the concrete block building and the retention of a roost in the northern gable elevation of the concrete block building.

The application is supported by a Design and Access statement; a structural survey and bat survey.

## 2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description  | Decision   | Decision Date |
|------------------|--|------------|---------------|
| DM/2019/01054    | Erection of an agricultural concrete block work farm yard wall (agricultural notification)     | Acceptable | 01/08/2019    |
| DM/2019/01037    | Construction of new access track for use in association with land and buildings at Church Farm | Acceptable | 07/08/2019    |

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S10 LDP Rural Enterprise  
S11 LDP Visitor Economy  
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

RE3 LDP Agricultural Diversification  
T2 LDP Visitor Accommodation outside settlements  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design 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

#### **Devauden Community Council** - Recommend Refusal:

- a. The permitted development recently granted was explicitly for the use of farm traffic. Holiday makers travelling to and from the holiday cottages will be forced to share the extremely narrow access to the farmyard with those heavy farm vehicles.
- b. The use of the access for the additional traffic to the cottages will be a significant nuisance to neighbours, and there are formal objections on record to the previous applications from the resident at Red House.

**MCC Highways** - No objection.

**Natural Resources Wales** - We recommend you should only grant planning permission if you attach a number of specified conditions to the permission.

### 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of site notices. Objections have been received from five properties and are summarised as follows; the full responses are available on the website:

- Close to adjoining properties
- General dislike of proposal
- Inadequate public transport provisions
- Increase in traffic
- Information missing from plans
- Strain on existing community facilities

- Inadequate access
- Not enough information given on application
- Civil issues in relation to the ownership of the access track

#### Principle of development

That the building is of modern construction and the proposed rebuilding is certainly not a re-use or adaptation, inconsistent with the Design and Access Statement submitted. It is suggested that the buildings are structurally sound and do not need substantial reconstruction, however the rebuilt extension is in conflict with policies T2 and H4. Concerns are raised over the extent of rebuilding suggesting that the whole structure will need to be demolished to achieve modern insulation/building regulations approval, again contrary to policies T2 and H4.

The submitted statement fails to demonstrate compliance with criteria a) to g) in Policy RE3. The building is a satellite away from the parent farm and not within an inhabited farm complex. They will be stand alone without services.

It is not considered that the offer represents a realistic business concern especially in the face of high quality offers nearby.

The buildings are of substandard quality and incongruous appearance so are not worthy of retention and the proposed replacement buildings could be of a more aesthetically pleasing design. The building is located close to a Scheduled Ancient Monument occupying an elevated position visible from many vantage points including the grade II\* Church. The building is of no aesthetic value and the proposed design is more akin to a suburban bungalow, suggesting permanent occupation, in conflict with policy LC5.

#### Access and Highway Safety

Concerns are raised over the capacity of the access track stating that it becomes congested when the church is in use. There are no passing places and no scope for widening or improvements contrary to policy H4 and is in conflict with the use of the public right of way. There is a danger between the exiting users of the track and the increased traffic generated from the proposed two units.

There is no access shown to the public highway as the red line falls some way short. The red line needs to be extended to include this land in the application site and notice served on the owner(s). There are private legal proceedings in relation to changes made to the track including ownership disputes. It is unlikely that visitors will use public transport to access the site, the majority of trips will be car-based contrary to the sustainability criteria of the LDP. The traffic will cause significant nuisance to neighbours during and in between lets and having conflict with large farm vehicles during the summer months. The lane is subject to significant water run-off in the winter months directed at Red House. The poor surface prevents accessibility for delivery vehicles which may be required to service the lets.

The approach lane back to the church is similarly sub-standard in width and forward visibility so is unsuitable to serve further development. Due to the isolated rural location, visitors can be expected to be entirely dependent on private cars, hence the added congestion and inconvenience to residents. Given the 5 bedrooms in total the accommodation could attract large groups causing increased nuisance.

#### Privacy and Amenity

Concerns are raised over the proximity of the adjacent property to the proposed access to the neighbour's house wall for 20m which is 0.8m below the lane level which will cause increased disturbance and intrusion.

There is no plan showing how parking, amenity space and refuse/recycling would function for two units and also the limited size of the assumed outside area for two units is questioned and there would be potential for friction where the proposed access is shared with the farm.

## Facilities

The water supply for the proposed development would be via a long section of private water pipe which is shared by a number of properties and has low pressure problems. Concerns are raised over the impact on water pressure because of the additional demand.

There is no sustainable drainage plan. There is already considerable run-off from the site onto the track belonging to a third party on the eastern boundary. This is washing away the track surface and compromising the access to the neighbouring properties.

A septic tank is proposed but no plan or details are evident

No information is provided on waste/recycling storage or collection.

### 5.3 Local Member Representations

The Ward Member was notified of the application on the 28th August 2020.

## 6.0 EVALUATION

### 6.1 Strategic & Spatial Choices

#### 6.1.1 Principle of Development

The site as a whole is located in an area of open countryside within the community of Devauden.

Planning Policy Wales (PPW, Edition 10 2018) acknowledges in paragraph 5.5.2 that "the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities". It notes that in rural areas, "tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment".

In open countryside locations policies S1, which refers to the spatial distribution of New Housing Provision, and LC1 which refers to new build development in the open countryside, presume against new development unless justified under national planning policy and/or LDP development specific policies; of particular relevance these include;

S10, Rural Enterprise

RE1, Employment within villages

RE3, Agricultural diversification

RE6, Provision of recreation, tourism and leisure facilities in the open countryside

T2 Visitor accommodation outside settlements

Strategic policy S8 supports the development of existing and emerging key economic sectors and the diversification of Monmouthshire's business base. The policy outlines that proposals seeking to deliver the Council's vision for sustainable growth will be permitted where they enhance or enable the continued development of existing key economic sectors including tourism.

Policy S10 seeks to enable the diversification of the rural economy 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. Whilst emphasis is placed on the re-use or adapt existing buildings where possible, the policy does allow for the development of new buildings outside settlement boundaries to assist in the diversification of the rural economy as set out in subject specific policies RE1, RE3, RE6 and T2 referenced above.

As specified above the application proposes conversion, extension and change of use of two agricultural buildings to create two holiday lets. As the application proposes a tourism use and forms part of a wider agricultural enterprise, the requirements of policy RE3 and RE6 are applicable.

In accordance with national policy, Policy RE3 supports the diversification of agriculture provided that proposals meet the criteria set out. The policy identifies that the proposed non-agricultural development must be:

- a) run in conjunction with, and is complementary to, the agricultural activities of the enterprise;
- b) be supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy;
- c) in relation to new build, demonstrate that there are no existing buildings suitable for conversion / re-use in preference to new build;
- d) with regard to diversification proposals for visitor accommodation, new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage of an existing and occupied farm property;
- e) any rebuilding work should respect or be in sympathy with the local and traditional characteristics of the building; and
- f) new built development must satisfy the detailed criteria set out in Policy LC.

The following information has been submitted in support of the proposal:

*The site has been used for agricultural purposes since 1982 and was operated in association with Church Cottage which was subsequently sold in 2001. The enterprise as a whole extends to 60 hectares (150 acres), of which 34 hectares (86 acres) is owned and 25 hectares (64 acres) is rented on short term (5 year) farm business tenancy. The land holding surrounding the application site extends to 14.75 hectares (36 acres) and is currently laid to grass used for grazing or the cropping of hay and/ or grass silage. Although the applicants operate other businesses to provide additional income, they are still farming and are seeking to diversify the farm in the interests of viability. The buildings the subject of the current application has previously been used for accommodation/ sorting of sheep and general storage. They are however, now largely redundant. A larger steel portal frame type building on site has been previously used for the accommodation of cattle and will be retained. Although it is proposed to partition off accommodation for safety purposes the remainder of the land and yard would remain in active agricultural use. There are no other buildings on the site suitable for conversion.*

In conjunction with Policy S10, Policy RE6 supports rural enterprise and diversification of the rural economy by allowing for the provision of suitable recreational, tourism and leisure facilities in the countryside. The policy identifies that proposals should be of a small-scale, informal nature and be subject to detailed planning considerations, including there being adequate safeguards for the character and appearance of the countryside (particularly its landscape, biodiversity and local amenity value), with emphasis places on the re-use or adapt existing buildings where possible with an exception granted for new buildings of an appropriate scale compliant with the requirements of Policy LC1.

With regards to the current application, it is considered that the application proposes a small scale tourism development that would seek to diversify the operations of an existing agricultural enterprise. Although the applicant does not currently live on site, it does form part of a wider active agricultural enterprise with the applicants visiting the site on a regular if not daily basis. Whilst the retention, conversion and extension of such modern type buildings would commonly be resisted, an exemption for such purposes is granted where the proposal would support the diversification of an agricultural enterprise. In this case the applicants are therefore farming the land and the proposals are small scale and complementary to this use. They seek to convert part of the building and rebuild a section as there are no other suitable buildings on the site. The principle of the proposal is therefore considered compliant with national planning policies and policies S8, S10, RE3 and RE6 of the LDP.

#### 6.1.2 Good Design/ Place making

As specified above, as part of the application it is proposed that the existing block built building be altered and converted whilst the existing timber stables buildings be demolished and replaced with a connected new block building with external timber cladding. As a whole, the resulting buildings would be used to provide two holiday lets, one with two bedrooms and one with three bedrooms.

As part of their consultation responses a number of objectors have specified that the building is not capable of conversion without significant extension or alteration and is of a utilitarian structure that does not warrant retention in the open countryside. Whilst it is acknowledged that the existing timber stables will be removed and replaced, a structural survey submitted in support of the block building indicates that it is capable of conversion without significant rebuilding.

Policy RE3 and RE6 do allow for the development of new buildings for tourist accommodation within the open countryside, subject to compliance with the requirements of Policy LC1.

Policy LC1 specifies that in order to be acceptable developments should be satisfactorily assimilated into the landscape; wherever possible be located within or close to existing groups of buildings; have a design that is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

The buildings the subject of the application are positioned on the eastern side of the existing and established farm yard in close proximity to Church Cottage and Red House to the south. Although objectors have identified that the buildings are visible from St Thomas A Beckett Church 170m to the north-east and from the Cwrt Y Gaer Ringwork Scheduled Ancient Monument 320m to the north-west, the structure as a result of its age, is a well-established feature within the landscape. Although the extension, as proposed, would create a rectangular shaped footprint as opposed to the L shaped as existing, it is considered that the overall size, scale and form of development would be in keeping with the existing building. This will be read in conjunction with its siting in close proximity to existing buildings which would prevent the development from having a significantly detrimental impact on the overall character and appearance of the landscape or cultural and heritage features.

Although public objections have been raised with regards to the fenestration arrangement in the new development and alterations to the existing windows and doors in the existing concrete block building it is considered that the design, finish and scale of the new extension would appear as a converted stable. Whilst it is appreciated that the openings in the western elevation would appear domestic in terms of their scale and overall arrangement, these alterations would replace a number of existing domestic style door and window openings, would only be visible from within the site and would not be readily apparent from any wider public vantage point. As such it is considered that the design alterations would not be so detrimental or out of keeping with the original character and appearance of the building to warrant refusal of the application. Whilst the existing building is functional and utilitarian in its overall external appearance, the application does provide an opportunity to improve the aesthetics and create a building more harmonious and in keeping with its setting.

Subject to conditions to clarify and secure appropriate external materials, the application is considered compliant with the relevant requirements of LDP policies LC1 and DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The buildings the subject of the application are positioned on raised ground immediately to the north of Church Cottage and its residential curtilage. Although the proposed extension would be taller than the existing stables, given the existing built form on the boundary, the single storey height of the development, its orientation relative to Church Cottage and the presence of existing boundary features it is considered that the development proposed would not generate any increased overshadowing, loss of light, increased overlooking or infringement of privacy.

An objector has raised concerns that the increased traffic movements along the access lane would create increased noise and disruption for immediate neighbours, detrimental to amenity, specifically for Red House which is set slightly below the level of the lane. It is acknowledged that relative to the

existing arrangement the development proposed could generate an increased number of movements which would be heard from the closest dwellings. However, these would be domestic in scale and given the single track width of the lane it is likely that vehicles would be travelling at a slow pace. Given the scale of development it is considered that number of movements generated would not be so disruptive or significantly detrimental to amenity to warrant refusal of the application on such grounds.

Whilst further concerns have been raised with regards to the lack of information relating to the storage of rubbish and waste, it is likely that each unit of accommodation would be provided within an external refuse bin with waste removed at the end of each stay as part of the turnover of accommodation.

On the basis of the above, although the use of the site for tourism purposes has a potential to have an increased impact, it is considered that the disturbance generated would not be so significant or detrimental to the overall amenity of the area or those living closest to the site to warrant refusal of the application. The proposal is therefore considered compliant with policies S13 and EP1 of the LDP.

## **6.2 Active and Social Places**

### **6.2.1 Transport including sustainable transport issues**

As part of their responses a number of objectors have identified that there is no public transport connection within the wider locality. Given the rural location of the site, it is acknowledged that visitors are highly likely to arrive by private vehicle. However, being mindful that the development would make use of an existing building and would assist in the diversification of rural enterprise on a yard that is already visited, it is considered that the impact with regards to sustainability would be on a very small scale and would not be so detrimental to warrant refusal of the application on such grounds.

### **6.2.2 Access / Highway Safety**

Access to the proposed development is a key concern for the objectors. As part of the current application it is proposed that the development would be accessed from the lane positioned between Red House and Church Cottage and follow the new track approved as part of prior notification application DM/2019/01037. Whilst a number of objections have been raised with regard to works undertaken to the track to the east of the complex, following the construction of a wall approved as part of DM/2019/01054, the development would not be served from this access. All Issues with regards to the repositioning of the track and trespass on third party land, are a private legal matter and are not properly a matter for this evaluation of this application.

It is understood that rights of access over the lane between Red House and Church Cottage have been the subject of a long-standing dispute and have involved various legal proceedings. It is considered that this matter is separate to the determination of the current planning application.

Significant correspondence has been provided in relation to the ownership dispute over the access track to the site which is outside the redline boundary. The land within the application site is within the applicant's ownership and certificate A has been provided. The dispute relates to the track providing access to the application site. Following receipt of correspondence, the Council's legal advice is that there are public access rights across this track. Therefore, the dispute over ownership is entirely a civil matter for both parties to conclude outside of the planning application. All relevant correspondence can be viewed on the website.

Whilst a request has been made for the redline of the application site to be extended to the highway network to the east of Red House, following a site visit it was noted that the lane is used for vehicular access by the owners of Red House and Church Cottage. Given this established use, it is demonstrated that the lane is capable of accommodating vehicles and providing access. In conjunction with the information provided by the Council's Legal representatives, it is considered

that the redline does not need to be extended further and the application can be considered in its current form. Whether the applicant has a legal right of access over the lane is a private legal matter.

As part of their comments the Community Council have identified that the access leading from the western boundary of Church Cottage into the wider application site was approved as part of an agricultural notification (prior notification application DM/2019/01037 refers). Whilst this statement is factually correct, it does not prevent the access being included or considered for use as part of the current application. The redline of the current application has been extended to include the land that previously formed part of the residential curtilage of Church Farm but is within the ownership of the applicant. Following discussions the Agent has confirmed that the applicant still intends to use the approved access for agricultural purposes.

Following consultation the Highways Department has provided the following comments:

"The application is for the change of use of stable block to self-contained holiday accommodation. It is proposed to create 2 no. holiday units...The holiday lets are proposed to be accessed via the existing site access which leads to an existing farmyard. The roads serving the property are the county highways C60-12 and C60-13 which are very narrow rural lanes. The lanes connect to the main route, R80, approximately 150 metres south of the application site.

The Highway Authority considers that the existing access to the site is suitable to accommodate the additional traffic generated by the proposed development. The Highway Authority is also satisfied that there is sufficient space within the existing farmyard to provide sufficient parking for the holiday lets.

Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that holiday lets tend to be seasonal and are not overly used on an all year round basis, therefore vehicle trips to and from the site will be fairly infrequent. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time AM and PM traffic flows and therefore is not considered to have any detrimental impact on the existing situation and highway safety.

In light of the aforementioned comments there are no highway grounds to sustain an objection to the application."

In conjunction with the above comments it is acknowledged that the highway network leading into the site is narrow. However, it is capable of accommodating vehicular traffic. Although a number of existing properties use the lane, being mindful of the use and scale of the proposal, it is considered that the development would not generate such an increased number of vehicle movements to cause unacceptable conflict and to warrant refusal of the application.

Whilst an objector has raised concerns that the increased use of the access would have a safety implication on their grandchildren using the lane, it must be acknowledged that the lane has historically been used for access purposes and falls outside of the objector's residential curtilage. The proposals will not have an unacceptable increased impact on public safety over and above the existing situation.

On the basis of the information received from the Council's Legal and Highway teams, it is considered that public vehicular rights exist over the top section of the lane and that the wider network is capable of accommodating the number of vehicle movements generated by the proposal. It is therefore considered that the application would not have a significantly detrimental impact on the highway safety and free flow of traffic and is compliant with policies S16 and MV1 of the LDP.

### 6.2.3 Recreational Spaces

There is sufficient space within the yard area to provide a modest area of amenity space to the west (front) of each unit. This is considered sufficient relative to the use proposed. Details of the exact layout and positioning could be sought be condition.

## **6.3 Productive and Enterprising Places**

### **6.3.1 Economic Development**

It is considered that the provision of two units of holiday accommodation and their associated investment would have a small but beneficial impact in relation to economic investment and development of the area.

### **6.3.2 Tourism**

Paragraph 5.5.2 of Planning Policy Wales Identifies that the planning system should encourage tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.

This is further reinforced by LDP strategic policies S8 and S10 which encourage the continued development of existing key economic sectors, including tourism and the diversification of the business base and rural economy within Monmouthshire.

Within the consultation responses a number of objectors have questioned the commercial viability of the development in direct comparison to other holiday let properties and premises within the immediate area. Issues with regards to commercial viability and competition are not a material planning consideration in this regard. In contrast it must be recognised that the development may offer accommodation at a different commercial scale relative to those already in the area.

### **6.3.3 The Rural Economy**

In conjunction with policies RE3 and RE6, the application is considered to represent a form of rural diversification that would be operated in conjunction with, and complementary to, the agricultural activities of the enterprise. It is considered that the proposal would offer a form of rural enterprise in keeping within the area to the benefit of the economic viability of the existing enterprise.

### **6.3.4 Energy**

The proposed units are likely to be served by mains electricity and off grid gas or oil heating supplemented by solar panels on the roof of the building, as indicated on the proposed plans. Further micro-generation equipment could be installed under Part 43 (Installation of domestic microgeneration equipment) permitted development rights. At this time, it is considered unreasonable to propose the removal of such allowances.

## **6.4 Distinctive & Natural Places**

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

Although the application seeks to change the use, convert and extend a building of utilitarian structure and form, it is considered that the resulting building would be of an appropriate design, scale, siting and external finish. As identified above, this is considered to be respectful of other developments in the wider area and provides an opportunity to improve the aesthetics of the building and the site to the benefit of the character and appearance of the wider area, in compliance with the requirements of policies LC1, LC5 and DES1 of the LDP.

### **6.4.2 Historic Environment**

The site does not contain any designated historical features or designations. Although objectors have identified the site is visible from the grade II\* listed St Thomas A Beckett Church and the Cwrt y Gaer Ringwork Scheduled Ancient Monument, it is noted that existing green infrastructure, other buildings and distances of approximately 170m and 330m would be maintained between the



development and the respective features. As such it is considered that the proposal would not have a detrimental impact on any designated or historic asset.

#### 6.4.3 Green Infrastructure

No green infrastructure would be lost as a result of the current proposal.

#### 6.4.4 Biodiversity

A bat survey submitted in support of the application identified that common pipistrelle, lesser horseshoe bats and brown long-eared bats currently use the building. Amended plans have been submitted detailing mitigation in the form of a loft space above part of the building and additional features and boxes on the building and within the wider area. Following consultation Natural Resources Wales, have advised that the amended mitigation proposals alleviate significant concerns regarding bat roosting provision. The modified proposals can, in this instance, be considered to provide a space of sufficient size to accommodate the bat colonies present.

Conditions with regard to implementation of the mitigation and to manage lighting have been requested and could be imposed on any grant of consent.

Subject to above the application is considered compliant with policies S13 and NE1 of the LDP.

#### 6.4.5 Water (including foul drainage / SuDS), Air, Soundscape & Light

As part of their response, a number of objectors have raised concerns with regards to existing surface water run-off and the additional implications arising as a result of this proposal.

As of 7th January 2020, all new developments within a constructional area in excess of 100 sq.m are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) independently of the planning application.

Following consultation the agent has provided the following response:

"This site has been my client's farmyard and buildings for well over forty years. This site and development on it is not new. I am informed by that the site does benefit from significant surface water drainage infrastructure underground, installed by her many years ago, which deals with surface water issues.

Foul drainage - My client has provided a range of paperwork which includes a copy of the confirmation of registration of the septic tank in February 2012. As you may be aware, the compulsory registration of septic tanks in Wales was a statutory requirement in 2012 hence why my client registered the septic tank at that time. The level of proposed discharge from the septic tank would be below the rate required for a permit and the activity would comply with the ten general binding rules, therefore, it was the registration of an exemption in respect of outfall from the treatment plant which would have been registered at that time."

Although objectors have raised concerns with regards to a lack of water pressure the applicant has contested this statement. In respect to the application, the site is served by mains water and has the potential to generate a lesser demand for water consumption than using the site for the overwintering or grazing of stock.

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

Following consultation Devauden Community Town Council and five households have raised objections to the proposal which have been addressed above and are not repeated.

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

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**

Although the buildings which are subject to the current application are simple and utilitarian in their overall form and external design, the principle of converting such spaces and providing new tourism accommodation is supported by LDP policies RE3 and RE6. On balance, it is considered that the application proposes a scale and nature of development that would not have a significantly adverse impact on the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic. Subject to the imposition of conditions to secure details with regards to ecological mitigation and external materials together with conditions to restrict the occupancy and further development of the buildings, the application is considered compliant with the policies of the LDP and is recommended for approval.

## **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 development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

4 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

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

6 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.

7 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 attached to or be positioned in the curtilage so as to illuminate the elevations of the building.

REASON: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern and to ensure compliance with LDP Policy NE1.

8 Notwithstanding the details of the approved plans, prior to installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The lighting plan should include:

- o Details of the siting and type of external lighting to be used
- o Drawings setting out light spillage in key sensitive areas, especially by bat roost access points and flightlines.

The development shall only proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site and to reduce the impacts of lighting in the interest of bats, their habitats, and commuting corridors, in compliance with LDP Policy NE1.

9 Prior to the first beneficial use of the site, a proposed site layout plan shall be submitted detailing the proposed parking area, amenity space, boundary treatments and the type of position of any refuse storage for each unit. The development shall only proceed in accordance with the approved plan and shall be maintained as such thereafter

REASON: In the interests of the amenity of the development and neighbouring properties and to ensure sufficient provision in compliance with LDP policies EP1 and MV1.

## **INFORMATIVES**

1 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.

2 The developer/applicant should ensure that the existing septic tank has sufficient capacity to accommodate any increase in flows from the proposed development. The Applicant should note, it is a legal requirement to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. If the Applicant already holds an

exemption / permit, they should check whether the proposed increase in flows would require a further application to be made for a new / varied permit. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

**Application Number:** DM/2020/00968

**Proposal:** Erection of an agricultural hay and machinery building

**Address:** Land at Llanvihangel Court, Devauden, Chepstow

**Applicant:** Mr P Maddocks

**Plans:** Elevations - Proposed 3356-DR-S-050-03 A - , Floor Plans - Proposed 3356-DR-S-050-04 A - , Location Plan 3356-DR-S-050-01 A - , Site Plan 3356-DR-S-050-01 A - , Other Land holding - , Landscaping Plan

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton

Date Valid: 25.08.2020

**This application is presented to Planning Committee at the request of the Ward Member to allow for consideration of the reasoned justification for the proposal and an assessment with regards to impact of the development on the character and appearance of the area**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

The application site forms part of a wider 101 hectare (250 acre) agricultural holding located within the Devauden area. The holding as a whole is split between two main parcels of land referred to as Lower House Farm, Wolvesnewton which accommodate the applicant's main yard and the land holding on which the application is based, known as Ty Mawr.

The proposed building would be positioned in the northern corner of a 3.2 hectares (8.1 acre field), adjoining the south-eastern edge of an existing hardstanding approved as part of application DM/2019/01835 on 24th March 2020. Plans submitted in support of the application, detail that the applicant farms the adjoining 30 hectares (74 acres).

The existing hard standing is positioned to the east of the dwelling and barn conversions associated with Ty Mawr Farm and to the south-east of a newly formed agricultural enterprise known as Oak Tree Farm. Access to the buildings would be gained via an existing concrete surfaced lane leading from Quarry Road which currently serves the application site and wider landholding, Oak Tree Farm and Ty Mawr Farm. Public footpath, 357/138/1 follows the route of the track and crosses the existing hardstanding to the west of the proposed development. At the time of inspection the land was being used for the grazing of sheep with a few small pieces of kit/ apparatus stored on the site (i.e. mangers/ feed barriers, gates, hurdles and a trailer). The area as a whole is located on a gradient falling from north-east to south-west. As a result the application site is below the land to the north, is level with the access track and is raised relative to the land holding to the south and the buildings of Ty Mawr and Oak Tree Farm.

The site as a whole is located in an area of open countryside within the community of Devauden.

#### **1.2 Value Added**

Amended plans have been submitted detailing the full extents of the applicant agricultural enterprise and include details with regards to the applicant's flock size and the provision of a double row of staggered native deciduous hedge plants around the southern (rear) and eastern (gable) elevation of the building.

### 1.3 Proposal Description

The application seeks full planning permission for the erection of a four bay agricultural building to be used for the storage of hay, machinery and implements.

The proposed building would measure 18.3m wide, 10.7m deep with a pitched roof with a maximum height of 5.3m falling to and 4.3m at eaves level. Externally the buildings would be finished with dark green coloured, box section corrugated sheets on the southern (rear) eastern and western (side) elevations with a grey fibre cement sheeted roof. The northern elevation would be open fronted with access gained from the existing access track to the north. A double row of hedge plants would be provided to the south and east of the building to act as screening and to provide ecological enhancement.

Details submitted in support of the application indicate the applicant currently has 835 ewes, 80 ewe lambs and 30 rams. Although the main yard at Lower House Farm contains a number of agricultural sheds principally used for lambing and dry storage, there are no other buildings on the Ty Mawr land holding.

### 2.0 RELEVANT PLANNING HISTORY (if any)

| <b>Reference Number</b> | <b>Description</b>   | <b>Decision</b>       | <b>Decision Date</b> |
|-------------------------|--|-----------------------|----------------------|
| DM/2019/01835           | Retention of stone yard area for agricultural storage and turning area.                        | Approved              | 24.03.2020           |
| DM/2020/00968           | Erection of an agricultural hay and machinery building.  | Pending Determination |                      |
| DC/2009/01119           | Proposed sun lounge, utility, attic conversion with dormer windows, veranda and 3no. en-suites | Approved              | 15.02.2010           |

### 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

RE4 LDP New Agricultural and Forestry Buildings  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection

## **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**

**Devauden Community Council** - No response received

**MCC Public Rights of Way** - because of the vagaries of how path 138 is recorded on the Definitive Map and the probable de minimis nature of any possible obstructions Public Rights of Way withdraws its objection to the proposed development.

### **5.2 Neighbour Notification**

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. No objections or representations have been received.

### **5.3 Local Member Representations**

Cllr R Greenland was notified of the application on 25th August 2020. The Member has requested the application be presented to Planning Committee for review with regards to reasoned justification and impact on the character and appearance of the development on the wider landscape.

## **6.0 EVALUATION**

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

#### **6.1.1 Principle of Development**

The application seeks full planning permission for the development of an agricultural building measuring 18.3m wide and 10.06m deep. Although Schedule 2 Part 6 Class A, of The Town and Country Planning (General Permitted Development) Order 1995 grants permitted development rights for buildings of this size, as the associated hardstanding with an area of 519sq.m was approved in the early part of 2020, the works proposed now require planning permission.

As specified above, the application site is positioned within the northernmost part of a landholding area of 30 hectares (74 acres). This parcel of land in turn forms part of a wider 110 hectare holding.

Policy S13 seeks to protect, maintain and enhance the character and quality of Monmouthshire's landscape with Policy LC1 presumes against new development in the open countryside unless justified under national planning policy and/or subject specific LDP policies. In this instance policies S10 - Rural Enterprise and RE4 - New Agricultural and Forestry Buildings are relevant.

Specifically RE4 states that new agricultural buildings will be permitted where the building or access is reasonable required for agricultural purposes, and adequate provision is made for the disposal of foul and surface water and any animal waste without risk to features.

The proposal complies with Policy LC1

Details submitted in support of the application indicate that the applicant farms a holding of approximately 110 hectares (250 acres) of which 30 hectares (74 acres) adjoins the current application site. A copy of the flock register submitted confirms that the applicant currently has a flock of 945 animals. Although the main yard at Lower House Farm contains a number of buildings used for lambing and storage, the land to which the application relates does not benefit from any buildings. Although the applicant may have previously removed all hay/ silage from the site for storage at Lower House, given the scale of the holding and the number of animals farmed, which could be overwintered on the site, it is considered reasonable and justifiable to provide a building for storage of implements, machinery and fodder in the interests of the efficient operation of the holding and to reduce transportation requirements.

While Officers are aware that the applicant previously secured planning permission for an agricultural building to the north-west of the current application site (Application DC/2014/00858 refers) which was subsequently sold to the current owners who are seeking to establish a new rural enterprise at Oak Tree Farm, previous land transactions do not constitute a material planning consideration.

On the basis of the above and the information submitted in support of the application, it is considered that the development is reasonably necessary for the purposes of agriculture and the principle of development is considered acceptable subject to the application satisfying a number of material planning considerations.

#### 6.1.2 Good Design/ Place making

As specified above the building would be positioned in the northern most part of the land holding, adjacent to an existing hardstanding and to the east of Ty Mawr Farmhouse and barns and the new agricultural enterprise known as Oak Tree Farm. Mature hedges are positioned to the west and north of the development. Externally the development would appear as a functional structure, which is not uncommon within the wider landscape. Although the siting of the building could be considered disjointed relative to the applicant's main yard in Wolvesnewton, the development would be associated with a large and actively farmed land area.

Given the position and proximity of the building relative to the western and northern boundary hedges; the existing built form of Ty Mawr Farm and Oak Tree Farm to the east; the hardstanding of the application site and the access road and when considered in association with the proposed hedgerow planting, the proposal would satisfactorily assimilate into the landscape. It would be of a form, bulk, size, layout and scale that is proportionate to the adjacent landholding and respectful of the character of the surrounding countryside. The application is therefore considered compliant with policies S10, S13, RE4 and LC1 of the LDP.

#### 6.1.3 Impact on Amenity/ Promoting Healthier Places

Public footpath 357/138/1 currently passes in close proximity to the development site. Although the Council's Rights of Way Officer initially raised concerns with regards to the application, following review the objection has been removed, with advisory notes recommended. Given the lack of fingerpost and stiles in the western hedge, it is likely that users of the path use the track to the north of the application site.

Although located to the east of Ty Mawr House and Oak Tree Farm, and immediately adjacent to the access track, given the distance of approximately 90m between the proposal and the nearest dwelling, it is considered that the development would not lead to any increased overshadowing, loss of light, increased overlooking or infringement of privacy. It is also considered that the proposal



would not obstruct or adversely affect a public right of way. The application is therefore considered compliant with policies S13, S16 EP1 and MV3.

## **6.2 Active and Social Places**

### **6.2.1 Transport issues**

Given the location of the site, the nature of the application and the wider use of the land, the applicant is likely to visit the premises by private vehicle but this is the current arrangement. The development would however allow for on-site storage of hay, fodder, machinery and implements which may reduce the number of larger vehicles movements to and from the site.

### **6.2.2 Access / Highway Safety**

Access to the site is currently gained via a single width concrete track leading from Quarry Road to the north-east of the site. Quarry Road has limited width and passing places. Given the existing use of the land, the applicant could visit the site as frequently as they desired with any size vehicle. The development proposed would provide formal storage space on site, which may in turn reduce off site movements of hay/ silage. Relative to the existing arrangement it is considered that the development proposed would not generate an increased number of vehicle movements. Given the position of the proposed building to the east of the existing hardstanding, it is considered that sufficient space would be retained for the parking and manoeuvring of vehicles. It is therefore considered that the application would not generate an increased number of vehicles movements and would not have a detrimental impact on the highway safety and free flow of traffic. The application is therefore considered compliant with LDP policies S16 and MV1.

## **6.3 Productive and Enterprising Places**

### **6.3.1 The Rural Economy**

The development would be used in association with the wider agricultural holding and would support the agricultural activities on site. The potential to use the space to store hay may reduce the need to use wrapped fodder which in turn would reduce costs, to the benefit of the economic viability of the holding.

### **6.3.2 Transportation Infrastructure**

The proposed development will be accessed from a concrete track which in turn adjoins with a publically adopted but unclassified highway (Quarry Road) 260m to the north-east of the site. The development would be sited well away from the public highway and would not have a detrimental impact on local transportation infrastructure.

## **6.4 Distinctive & Natural Places**

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

Impacts of the development on the landscape and visual amenity of the area are a concern for the Ward Member.

As specified above, the application site is located in an area of open countryside. Given the gradient of the land, falling from north-east to south-west, the rear elevation of the building would be partially visible from the wider landholding. However, such buildings and structures are not uncommon in the wider rural landscape.

Being mindful of the active agricultural use of the land, the proportionate size and scale of the development relative to the landholding, the external materials proposed, the relatively close position of the proposal to the built form of the dwelling and buildings at Ty Mawr to the west; the screening that would be provided by the hillside and hedges to the north-east which would provide a backdrop to the structure preventing it from breaking the skyline. With the existing hedgerow to the west and

the proposed new planting to the south and east, it is considered that the proposal would satisfactorily assimilate into its surroundings. It would not cause a significant visual intrusion or an adverse change in the character of the natural landscape or lead to an intensification of use incompatible with its location.

It is therefore considered that the proposal would not have such a detrimental impact on the overall character, appearance, landscape or visual amenity of the wider area to warrant refusal of the application and the proposal is considered compliant with LDP policies S13, LC1, LC5 and EP1.

#### 6.4.2 Historic Environment

The application site and wider land holding do not contain any historical features or designations. Although Ty Mawr farmhouse to the west is a grade II listed building the site is outside of the farmhouse curtilage with a distance of approximately 240m maintained between the existing and proposed building. It is therefore considered that the proposal would not have a detrimental impact on the historical designation.

#### 6.4.3 Green Infrastructure and Biodiversity

As specified above, the shed would be developed in the northern part of the landholding adjacent to the existing concrete surface access track and yard. The northern boundary of the field is largely undefined. Whilst at the time of inspection the land was being grazed by sheep the pasture looked to be improved and maintained with aerial images indicating that the land is regularly cut for hay/silage.

In line with recent guidance issued by the Welsh Government, each application for planning permission must now provide ecological mitigation and enhancement. Although this would commonly take the form of bird and bat boxes on or within the development, given the external material proposed, it was considered that this would not be the most appropriate form of mitigation. Given the relatively exposed position of the southern elevation of the building as a result of the land fall, enhanced green infrastructure has been sought around the southern and eastern elevations. Details submitted in support of the application indicate that this will take the form of a double row of staggered native species hedge plants to include hawthorn, bird cherry, dog rose, hazel, blackthorn and holly. The new infrastructure should help to screen the proposal and provide enhanced roosting and foraging opportunities for local wildlife.

Subject to conditions to secure the implementation and maintenance of the infrastructure the application is considered compliant with LDP policies S13, GI1 and NE1.

#### 6.4.4 Water (including foul drainage / SuDS), Air, Soundscape & Light

As of January 2019, all new developments with a constructional area in excess of 100sq.m are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) independently of the planning application.

Although no lighting is indicated as part of the development, a condition could be imposed preventing the installation, in the interests of amenity and the ecological value of the area.

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

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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

## **6.6 Conclusion**

On the basis of the information submitted, it is considered that the development is reasonably necessary for the purposes of agriculture. It is considered that the development is of a size, scale and design proportionate to the landholding and would have a siting and external finish that would not have a significantly detrimental impact on the overall character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic.

Subject to conditions securing the building to the landholding, to ensure provision of the proposed landscaping and to prevent installation of lighting, the application is considered compliant with the relevant policies of the Local Development Plan and is recommended for approval.

## **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 hereby approved shall only be used in conjunction with all the land outlined in red on land ownership plan referenced Ty Mawr. The building shall not be separated from the landholding.

REASON: The building is only reasonably necessary relative to the size of the existing holding. Severing the building from the land would result in unjustified development in the open countryside to the detriment of the character and appearance of the area. In compliance with LDP policies S10, S13 RE4, LC1 and EP1.

4 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 G11.

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 attached to or be positioned in the curtilage so as to illuminate the elevations of the building.

REASON: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern and to ensure compliance with LDP Policy NE1.

This page is intentionally left blank

**Application Number:** DM/2020/01036

**Proposal:** Reposition of access and gate, new planting and retention of access track.

**Address:** Bluebell Farm, Blackbird Farm Road, Earlswood

**Applicant:** Mr James Howells

**Plans:** Landscape Visual Impact Assessment EDP 5271 r 001b - LVA, Site Layout 3756 SK 003A - , Location Plan 3756\_PA-001 - , Site Plan 3756\_PA-002 - , Landscaping Plan EDP5271\_D004

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young

Date Valid: 06.08.2020

**This application is presented to Planning Committee at the request of the local Member**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

Bluebell Farm is a residential property covering approximately 8 acres. It comprises the house, gardens, outdoor swimming pool, pool house, garage manege and large steel framed barn. The vehicular access to the property is from the south off Bluebell Road and Blackbird Farm Road. The access is shared with several other properties. Approximately 400 metres to the north of the property is Old Road and there are two agricultural fields between the house and the road. The land slopes upwards from the house in a northerly direction towards Old Road. Between the house and Old Road a track of loose hoggins (gravel, sand and clay) has been laid and there is a double five bar gate at the access point.

There is a footpath running down the western side of the site but this is not identified as a definitive Public Rights of Way and is outside the application site.

#### 1.2 Value Added

This was the subject of pre application discussions where it was suggested that the visual impact of the proposal should be minimal and that a landscaping plan be submitted

#### 1.3 Proposal Description

The application seeks the retention of the track, with the repositioning of the access and gate. There would be a single farm access gate, set back from the road. A timber fence would be erected around the entrance and there would be additional planting. The access track is approximately 420 metres long and surfaced in hoggins. The applicants maintain that the access would be used by horseboxes entering the property, which would be approximately 9.2 metres in length. The existing access to the property is unsuitable for the house box as the lane is so narrow. It is proposed that the new access track would be used by the large horsebox on an occasional basis. The existing access to the south of the site along Blackbird Lane will remain in use for domestic vehicles.

The application is accompanied by a Landscape visual assessment.

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

| <b>Reference Number</b> | <b>Description</b>  | <b>Decision</b>       | <b>Decision Date</b> |
|-------------------------|---|-----------------------|----------------------|
| DM/2020/00861           | Proposed alterations & 2 storey extension                                     | Approved              | 15.09.2020           |
| DM/2020/01036           | Reposition of access and gate, new planting and retention of access track.    | Pending Determination |                      |
| DC/2017/00607           | New vehicular access to northern boundary of site to Old Road.                | Refused               | 24.10.2017           |
| DC/2015/00556           | Replacement and relocation of existing garage and pool house.                 | Approved              | 21.10.2015           |
| DC/2015/00373           | Amendments to approved planning permission DC/2014/00121.                     | Approved              | 21.10.2015           |
| DC/2014/00121           | extend existing steel framed barn and construct new manege in adjoining field | Approved              | 07.04.2014           |
| DC/2013/01103           | Detached double garage and workshop with office accommodation in roof space.  | Refused               | 01.04.2014           |

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

#### **Strategic Policies**

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**

SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
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

## 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

A number of representations have been received and are summarised below, the full responses are available on the website.

**Shirenewton Community Council** – Refuse on the basis that the access and use may cause an obstruction at the Old Road junction. In addition concerns are raised in connection with footpath 156 which runs through the site. The comments provided on the 2017 application still apply which recommend refusal on the basis of the adverse visual impact on the landscape and that the highway movements would create a traffic safety hazard.

### **MCC Highways** - No objection

Drawing 3756\_PA – 005 Proposed site layout, shows a significant improvement to the existing access and is suitable for the proposed vehicles. The proposal is not considered to be detrimental to the safety and capacity of the immediate highway network and offer no objection.

### **MCC Ecology** – Comment

Note that the development is retrospective and that a comprehensive landscape plan has been submitted, that implemented as agreed will result in a net benefit for biodiversity. Welcome the overseeing of works during the nesting bird season and suggest this be increased to dormice. Should these works form part of the consent we would want to see them undertaken using sensitive methods for all species that could be encountered.

### **MCC Landscape and GI** - No objection

Following the submission of an appropriately scaled LVA and landscape plan there are no objections. The applicant has considered the visual impact and provided appropriate mitigation. The landscape plan is acceptable with an appropriate selection of species, density and aftercare proposals

## 5.2 Neighbour Notification

None Received

## 5.3 Local Member Representations

Cllr L. Brown - I would be grateful if the above application could be called into planning committee for consideration of relevant planning policies and highway concerns.

This application (DM/2020/01306) for a new rear access, follows on from a previous application (DC/2017/00607) for a new access which was refused, this application has a more standard galvanised gate entrance. The application concerns creating an additional access with a 400m hoggin drive across open countryside onto the very narrow lane called Old Road for a horsebox entrance. There is already a shared access which the applicant expects to continue to use except for just car use access rather than currently for both uses.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

Old Road is an adopted but unclassified highway. In line with the permitted development rights granted by Schedule 2, Part 2, Class B of The Town and Country Planning (General Permitted Development) Order 1995 the laying out and construction of a means of access to this highway would not require planning permission. In line with the allowances granted by Schedule 2, Part 2, Class A of the above order, the erection and or construction of a gate, fence, wall or other means of enclosure 1m or less in height, adjacent to the highway would also be permitted development. However, as the track has been constructed without first seeking prior approval by virtue of Schedule 2, Part 6 Class A, the development now requires full planning permission. The principle of a new access in this location is acceptable in terms of highway safety. The main issue in this case is the visual impact of the track.

A previous application in 2017 for a track and access in this location was refused based on the unnecessarily over-engineered access with stone boundary walls and electric gates and the visual harm of the proposed driveway. This proposal is very different from that scheme proposing a more rural style, low key access to be used occasionally by horse boxes.

### **6.2 Sustainability**

Approval of this access will not result in any additional traffic movements on the local roads. The purpose of the access to improve access for the horsebox to the property.

#### **6.2.1 Good Design and Place Making**

Policy DES1 of the LDP requires that all developments respect the special character of the local area. In this case the field access has been changed and now incorporates a timber fence around the access which is now considered to respect the rural character of the area and are in keeping with similar field accesses in the area. The simple galvanised field gate reflects similar gates along Old Road. The application also proposes a new hedge planted inside the timber fence which will add to the rural appearance of the site. In addition, mitigation planting is proposed to ameliorate and mitigate the limited effects of the proposed development such as potential hedgerow removal to facilitate a safe visibility splay. The hoggin finish of the access track also remains in keeping with the rural nature of the surrounding area.

### **6.3 Landscape**

Policy LC5 of the LDP requires that development proposals that may impact on landscape character, must demonstrate through a landscape assessment how landscape character has influenced their design, scale, nature and site selection. A Landscape and Visual Appraisal by Environmental Dimension Partnership was submitted as part of the application. This Appraisal seeks to consider the potential effects of the new road access and associated driveway upon the character and appearance of the landscape in which it is located and ways in which this can be mitigated through better design. The report also considers opportunities for enhancements associated with the scheme, including in relation to biodiversity and Green Infrastructure.

The assessment describes a typical and very common rural landscape of fields surrounded by hedgerows, mature trees, and post and rail fencing. The revised plans are far less domestic in character than the previous scheme and propose features which are common place in the wider landscape, such as the galvanised access gate flanked by hedgerow and post and rail fencing. The assessment concludes that as a result of the changes the visual effects will be extremely limited to within 1km of the site and have no more than a minor effect on the visual amenity.



It is proposed to provide additional planting around the access, the track will have the appearance of an informal farm track and a field access. This is considered to be keeping with the rural character of the area and is consistent with other rural accesses in the vicinity. The track will be visually unobtrusive. A new mixed native hedgerow will be planted along the northern boundary of the site. This hedgerow will then be grown up to meet the height of the existing hedge, effectively assimilating the new access into the existing road-side character. The planting of additional native broadleaved trees along the eastern boundary and within the north-eastern corner of the northern field to augment existing trees adjacent to the access and provide further softening of the scheme.

The surface of the new track is to be hand sown with grass seed to help provide a ground level screen. New native deciduous hedges with larger tree specimens of extra-heavy standard form are to be planted alongside existing paddock fences where they cross the land west to east, to the south of the proposed access. The site is well screened by existing vegetation and the track will not be visually prominent in the wider landscape. MCC Landscape and GI officers have reviewed the LVA and found it to be appropriately scaled and proportionate. The applicant has considered the visual impact and provided appropriate mitigation. The landscape plan is acceptable with an appropriate selection of species, density and aftercare proposals. Therefore the proposals are considered to accord with LDP Policy LC5. .

#### **6.4 Footpath**

There is a way marked public access track to the west of the site. It appears to be locally well used but is not on the definitive map. The footpath is separated from the field by a post and wire fence and not affected by the proposal.

#### **6.5 Biodiversity**

Policy NE1 of the LDP states that development proposals shall accord with nature conservation interests and will be expected to retain and enhance habitats, they should incorporate native vegetation and ensure the protection and enhancement of wildlife. In this case the application proposes substantial landscape planting. The comprehensive landscape plan, when planted up as agreed will result in a net benefit for biodiversity. It is welcomed that the landscape information provides that an Ecological Clerk of Works would be instructed to oversee any works during the nesting bird season, the scope of this role should also include dormice considering the proximity to known records and the potential suitability of the hedgerow, though it is noted to be well maintained. The translocation of the hedge should be undertaken using sensitive methods for all species that could be encountered. This can be controlled by condition which will accord with the objectives of Policy NE1 of the LDP

#### **6.6 Impact on Amenity**

There are no residential properties close to the new access that would be affected by it. There is only one other property on Old Road between the B4245 and the application site and that is Goytre Farm. That property has its access off Bluebell Road. There are several other properties further west along Old Road. They will not be significantly affected by the new access given the very low number of vehicles using it. It will just be used for the occasional horse box. The properties sharing the existing access to Bluebell Farm are likely to benefit from the new access because there is currently some concern from those neighbours about the use of the horse box on such a narrow access.

##### 6.7.2 Access / Highway Safety

The existing access to the farm is no longer suitable to accommodate the applicant's horsebox, and it is, therefore, proposed to construct a more suitable access on to Old Road, to the north of the farm. The existing access to the farm is from Bluebell Road (to the south) via Blackbird Lane. Blackbird Lane is a shared access, serving Bluebell Farm, Priory Farm and Croeso. The existing lane is narrow (less than 2.75m wide) and does not allow two vehicles to pass, particularly larger vehicles. It is also difficult to manoeuvre the applicant's horsebox, which is 9.2m long, between the B4235 (to the north-east) and the farm via Bluebell Road. There is an existing road sign, just south of the junction with Old Road, indicating that Bluebell Road is unsuitable for heavy goods vehicles.

The proposal will not alter the number and type of vehicle movements generated by the site. Therefore, there is no impact on the wider highway network associated with this additional access.

The proposed access is 4.5m wide, widening to 16.5m at the edge of carriageway (with 6.0m by 6.0m splays on either side of the access); and has an inward opening gate, set back a minimum of 6.0m from the edge of carriageway along Old Road. A swept-path analysis at the proposed access has been undertaken to demonstrate that the proposed access can accommodate the horsebox accessing and egressing the farm. It is accepted that Old Road is very narrow and does not allow for two vehicles to pass however this is the same situation on Bluebell Road. The route to Bluebell Farm from the B4245 via Old road is approximately 550 metres shorter than it is via Bluebell road. There is therefore a net benefit for highway users as a result of the new access. It is unlikely that the horse box will be used more than once each day. The access is for the applicants own personal use and not associated with a commercial enterprise.

The Highway Authority offer no objection to the proposal. The Highways Officer considers that the proposed new access is a significant improvement over the existing access and is suitable for the vehicles proposed. It is not considered that the track is detrimental to the immediate highways network and so the proposals, in terms of highways safety are considered acceptable.

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

The Local Member has described the proposal and referred to the previous refusal of an access on the same site.

Shirenewton Community Council has recommended refusal of the application saying that the comments made on the 2017 application still apply. However, each planning application should be determined on its own merits. The current proposal is very different from the refused scheme and is considered for the reasons set out above to address the previous reasons for refusal.

The Community Council is also concerned about the harmful impact of the new access upon the rural landscape. A detailed Visual Landscape Assessment was submitted as part of the current application and found that the impact was acceptable. The Council's Landscape and GI Officer concurs with this assessment.

The Community Council considered that the proposal would obstruct the Old Road. They suggest that the track would be better positioned next to the hedgerow, however the LVA found that the position of the track was acceptable in visual terms. The impact on the highway network has been discussed in detail in the main body of the report and is considered acceptable.

The new access will not generate any additional traffic journeys. The Highway Authority offer no objection to the proposal.

## **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**

The vehicular access and track will not have an adverse impact on the wider landscape. The LVA has demonstrated that the access and track does not cause a significant visual intrusion, does not cause significant adverse change in the character of the area, is not unsympathetically sited or introducing an incompatible use. The proposal harmonises with the surrounding landscape and therefore accords with the objectives of Policy LC5 of the LDP. The proposed landscaping of the site will provide a net benefit for biodiversity and accords with the objectives of Policy NE1 of the

LDP. The access will not have a harmful impact on the wider road network and accords with the objectives of Policy MV1 of the LDP. This application is policy compliant and is recommended for approval subject to suitable conditions.

## **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 Hedgerow Translocation

No works to translocate the existing hedgerow shall commence until the role and responsibilities and operations to be overseen by an appropriately competent ecologist have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all necessary activities, and works shall be carried out, in accordance with the approved details to include but not be limited to;

- o Stage(s) that ecologist will be required
- o Toolbox talk for contractors
- o Working methods necessary to achieve stated objectives, e.g. measures to protect nesting birds, dormice, hedgehog
- o Timetable for implementation, demonstrating that works are aligned with the proposed phasing of works;

Reason: To safeguard species protected by the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010.

4. Landscaping implementation and maintenance condition.

This page is intentionally left blank

**Application Number:** DM/2020/01328

**Proposal:** Construction of 2 semi-detached 2-bedroom houses in the garden of no. 73 Park Road, Caldicot

**Address:** 73 Park Road, Caldicot, NP26 4EL

**Applicant:** Mr Mike Williams

**Plans:** Location Plan P01 - , Site Plan P02 Rev A - Existing Site Plan, Site Plan P03 Rev A - Proposed Site Plan,

## **RECOMMENDATION: REFUSE**

Case Officer: Ms Kate Young

Date Valid: 17.09.2020

**This application is presented to Planning Committee at the request of Councillor Easson as local Member**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

No 73 Park Road is a two storey semi-detached property within the Caldicot Development Boundary. The property has a large, flat garden area to the side which is situated behind a low brick wall. There is a driveway and double gates at the side of the property but no dropped kerbs forming a vehicular access. The property has a road frontage of approximately 16 metres. The site measures 0.05 ha and is surrounded by residential properties and their curtilages.

#### 1.2 Value Added

The applicant was advised to amend the scheme and reduce the proposal to one dwelling. The applicant however wished the application to proceed in its current form.

#### 1.3 Proposal Description

This is an outline application with all matters reserved for a pair of semi-detached dwellings to the north side of no. 73 Park Road. An illustrative site plan has been submitted indicating that each dwelling would have a footprint of 43.4 sq. metres. There would be a maximum ridge height of 7.3 metres. Two parking spaces would be provided for each dwelling including the existing dwelling. There would be a shared access path running between the existing property and the proposed new dwellings. There would be no alteration to the boundary treatments on the site except for the removal of the low brick wall to the front of the property. The width of the proposed plot is approximately 10.5 metres.

## 2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description  | Decision              | Decision Date |
|------------------|--|-----------------------|---------------|
| DM/2020/01328    | Construction of 2 semi-detached 2 bedroom houses in the garden of no. 73 Park Road, Caldicot | Pending Determination |               |

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
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

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD4 LDP Sustainable Drainage  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations

### Supplementary Planning Guidance

Affordable Housing SPG July 2019:  
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:  
<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.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.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Caldicot Town Council** – Approve

#### **Highway Authority** - No objection

The location of the proposal does not affect or impact the safety of the immediate highway network and the provision of off street parking is in accordance with the councils adopted parking standards.

The highway authority offers no objection to the proposal and the applicants attention is drawn to the requirement for the applicant to apply for permission to construct the required footway vehicular crossings to access the proposed off street parking spaces pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

#### **Highways & Flood Management**

LLFA - the applicant has included no detail on the drainage of the site therefore we would like a condition relating to surface water management.

SAB - From the plans submitted the total construction area is above 100m<sup>2</sup> then SAB approval will be required prior to any works commencing on site.

#### **Welsh Water**

The development requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems. The proposed development site is crossed by a public 150mm combined sewer. No operational development is to take place within 3 metres either side of the centreline of the public sewer. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 199

### 5.2 Neighbour Notification

One letter of objection received, the objection relates to a loss of view.

### 5.3 Local Member Representations

Councillor Easson - summarised below (full comments available on the website).

The potential to form a terrace creates complications with the ownership, requiring an alleyway through the central property for access to the rear. In addition this would result in the loss of windows from the side elevations.

As proposed the units would be DDA compliant starter homes, each with a side entrance, this would not have any legal restraints that would be experienced with an alleyway.

The plans show adequate parking on the frontages removing the need for street parking for 73 Park Road and harmonise with the parking for 1 Elm Road.

The proposed dwellings accommodate ample back gardens and do not overlook other properties. The end of the proposed semis from 1 Elm Road is less than the requirement of the Infill SPG. However the large garage will obscure the properties, shielding any perceived overlooking by the end unit. I request flexibility on this application as many other applications have seen. The proposed dwellings are also in line and character with the existing which is required as per the SPG.

You have indicated to me that you are minded to refuse this application under Delegated Powers, referenced to the "Infill Development SPG" on the grounds of the property being just less than 15 metres from No 1 Elm Road. I would request that the application be presented to the Planning Committee for determination.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

With regards to the new residential development, the site is located within the Caldicot Development Boundary. Policy S1 of the LDP says that the main focus for new housing development is within main towns and the Severnside sub-region. Caldicot is located within the Severnside sub-region. Policy H1 of the LDP supports new residential development within development boundaries, subject to detailed planning considerations. The principle of new residential development in this location is acceptable in policy terms. PPW10 recognises the need to provide sufficient housing in an area to meet housing need.

This application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019.

### **6.2 Sustainability**

The Local Development Plan and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a very sustainable location for a new residential unit as it is located within an existing residential area close to the town centre within easy walking distance to a large range of facilities including shops, schools and medical facilities. The site is also within walking distance of a train and bus station. The proposal accords with a key objective of PPW10 providing residential accommodation in a sustainable location.

#### **6.2.1 Good Design**

This is an outline application with all matters reserved so that the detailed design of the properties is not known at this stage. However, the indicative site plan does show the layout of the site which can be used to evaluate the proposal in terms of design in relation to LDP Policy DES1 and in terms of residential amenity with regards to Policy EP1. Policy DES1 requires development to respect the character and appearance of the area while Policy EP1 requires all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties. The prevailing character of residential development in this part of Caldicot is made up of semi-detached dwellings located on substantial plots although there are some terraced properties. The application site is of sufficient size to accommodate one dwelling while preserving this character, although it is considered that two dwellings on this site would result in a cramped form of development which would be out of keeping with prevailing character. There are also concerns over the proximity of the proposed dwellings to the existing in relation to amenity. These issues are discussed in greater detail below in relation to the specific requirements of the SPG.

#### **6.2.2 Infill Development SPG**

The SPG says that Infill sites are normally regarded as small gaps between existing residential properties, usually with a street frontage as is the case here. The size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. In this case, the proposed pair of semi-detached dwellings would continue the rhythm of the street scene but the dwellings would be narrower than their neighbours and would constitute over-development by having an incongruous squeezed in appearance. The proposal would not reflect the prevailing character of the area being at odds to the scale and proportions of development immediately adjacent to the site. The SPG advises that the proposal must respect the scale, form and massing of existing development in the area. There is an expectation that the massing of the proposal should be in proportion to the main property and the existing neighbouring buildings, as appropriate. In this case the proposed new dwellings would be narrower than the surrounding properties and would look out of place.



Part 7.1 of the SPG looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space
- b. whether a new house(s) on the plot would affect the privacy of neighbours
- c. whether a new house(s) on the plot would affect the host dwelling.

In this case the plot is of sufficient size to accommodate a new dwelling with adequate amenity space and no adverse impact on neighbouring amenity. The orientation of a dwelling on the plot means that habitable rooms could be provided with adequate privacy. Although this is an outline proposal only, it is assumed that the principal elevations will be front and back and that the gable walls will be left blank with no openings; if this was to be the case there would be no loss of privacy for the occupiers of adjoining properties. The existing dwelling on the plot, number 73 Park Road, has a single storey lean-to at the side and two windows facing into the plot. One of these is at first floor level. The lean-to would be demolished and the windows do not serve habitable rooms. If the new dwellings were built, the existing dwelling would still maintain adequate amenity space and not suffer from a significant loss of privacy.

Part 7.4 of the SPG considers distance between dwellings. The Council's normal privacy standard for new development is that there should be minimum of 21m between directly facing elevations containing main habitable room windows. The proposal accords with this as there are no existing dwellings either in front or behind the proposed dwellings within this distance. To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows. This is applicable to the new dwelling as well as the host dwelling. This will ensure adequate amenity is provided for future occupiers as well as the existing residents (this can be reduced to 10 metres where the properties are not aligned but in this case the properties are aligned).

No 1 Elm Avenue has its rear elevation facing towards the proposed plot and has several principal windows on the rear elevation. There is a single storey garage between the rear elevation of no 1 and the site boundary of the proposed plot. The rear windows of no 1 would be approximately 11.5 metres from the two storey blank gable end of the proposed dwelling. The distances have been clarified on site as between 10.5m from the rear of 1 and 2 Elm Road to the boundary of the proposed site. The proposed end dwelling would be 1m inside the plot boundary. This creates a separation distance of between 11.5m from the rear of the two Elm Road properties to the side elevation of the proposed dwelling, 3.5m below the guidelines set out in the SPG.

This distance is well below the 15 metres guidance set out in the SPG and will result in a loss of outlook and create an overbearing impact for the residents of no. 1. Within 12 metres of their first floor bedroom windows the occupiers of no 1 will see a two storey wall. This will have a very dominant and overbearing impact which will significantly affect their amenity. The proposed dwellings would be located to the south-east of the gardens of numbers 1 and 2 Elm Avenue and this would reduce the amount of sunlight entering the rear of those properties and their gardens. This again would have an adverse impact on their amenity.

The proposal is considered to be contrary to Policy EP1 of the LDP, as the new dwellings, positioned so close to the common boundary would have an adverse impact on the amenity of the occupiers of neighbouring properties. The proposal is contrary to the advice given in the adopted Infill Development SPG with regards to residential amenity. The proposal is also contrary to criteria I) of Policy DES1 as it does not protect the existing residential area characterised by high standards of privacy and amenity from over-development. The erection of two dwellings on this site would constitute insensitive and inappropriate infilling.

#### 6.2.2 Place Making

PPW10 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. This is an outline application so there are no detailed designs to consider. A single dwelling could be designed so that it would be in keeping with the character of the area and

contribute to a sense of place but this would be part of any subsequent application. The special character of an area should be central to its design.

### 6.2.3 Green Infrastructure

As this is an outline application we are only considering the principle of two residential properties on the site. The Green Infrastructure will be fundamental to the design, landscaping and drainage strategy of the plot, but this will be addressed as part of the reserved matters if permission is granted.

## 6.3 **Highways issues**

### 6.3.1 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. In this case the site is located in a residential area of Caldicot within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the County and the occupiers of the new dwellings will be less reliant on the car to go about their daily business.

### 6.3.2 Access / Highway Safety

The surrounding road network has sufficient capacity to accommodate traffic from two additional properties.

### 6.3.3 Parking

The adopted Monmouthshire Parking standards require one off-street parking space per bedroom up to a maximum of three. This relates to the existing property as well as the two proposed dwellings. Several properties, including the host dwelling have no off street parking. The roads in this area are wide enough to accommodate some on-street parking. The applicant has indicated that the new dwellings will have two bedrooms each. This cannot be verified until the detailed design of the dwellings has been submitted. The illustrative layout plan does indicate that two parking spaces can be provided at the front of each new property and this would accord with the adopted parking standards. The host dwelling is a three bedroom dwelling and so would require three spaces but the indicative plan only shows two. Given that this is such a sustainable location and the fact that this is an improvement over the current situation where the host dwelling has no off street parking, the proposal is considered acceptable and accords with the objectives of Policy MV1 of the LDP. It is noted that the proposed parking creates a row of closely positioned parking spaces to the front elevation of the properties, a reduction in density of the proposal would reduce demand on parking and improve the visual impact of accommodating parking spaces.

## 6.4 **Affordable Housing**

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Caldicot, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The amount of affordable housing proposed may be based on a viability assessment.

As this is an outline application no exact floor area has been determined and thus the financial contribution in the S106 must therefore be based on the formula in the SPG: £80 x 86.8 x 0.58 = £40271.00.

## 6.5 **Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15

## **6.6 Drainage**

### **6.6.1 Foul Drainage**

There is no requirement in an outline application to provide details of foul water discharge. This application site is in a sewered area and Welsh Water have raised no objection to the foul water connecting to the main sewer and request that details of the foul water disposal be submitted before development commences. This can be included in any reserved matters application. Welsh Water have raised the point that the site is crossed by a public 150mm combined sewer. The accompanying map shows this to be at the rear of no. 73 and not inside the development site.

### **6.6.2 Surface Water Drainage**

The applicant has indicated that surface water discharge will be by way of a soakaway and the site appears of sufficient size to accommodate this. If the application is approved and in the even any permission of the reserved matters, the development will require approval of a submission of an application for Sustainable Drainage System (SuDS) features, in accordance with the statutory standards for sustainable drainage systems.

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

The Town Council recommended approval of the application.

Councillor Easson considers that the application should be approved as it will not have an adverse impact on the amenity of adjoining occupiers. Other options were discussed including a terrace of properties connected to the existing; however there were concerns over the impact on the existing property. Support is provided for the application suggesting that the existing garage provides a visual separation and an element of mitigation in relation to any overbearing impact. However, as described above it is considered that the proposed position of the new dwellings would have an adverse and unacceptable impact on the existing property, especially that of 1 Elm Drive. Whilst an element of flexibility can be applied, it is considered in this particular case, the overbearing impact is too significant.

Having looked at the examples provided where flexibility has been applied, there appears to be no direct comparison. In addition each application should be determined on its own merits. Those examples were granted permission before the Infill Development SPG was adopted. Whilst many aspects of this proposed development are acceptable in policy terms, the impact on the amenity of the occupiers of no. 1 Elm Avenue is not considered to be acceptable.

## **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 Whilst many aspects of this proposed development are acceptable in policy terms, the impact on the amenity of the occupiers of no. 1 Elm Avenue is not acceptable. The proposal does not accord with policies DES1 and EP1 of the LDP or with its accompanying guidance, as it is too close to an existing property and does not have regard for the amenity of the occupiers of neighbouring properties. In addition it is considered that the site is too small to accommodate two dwellings without an adverse impact on the character and prevailing character of the area and is contrary to LDP Policy DES1.

## **7.0 RECOMMENDATION: REFUSE**

### **Reason for Refusal:**

1. The proposal is contrary to policies DES1 (criterion d) and EP1 of the adopted Monmouthshire LDP, as the new dwellings, positioned so close to the common boundary would have an adverse impact on the amenity of the occupiers of neighbouring properties. The proposal is contrary to the advice provided in the Council's adopted Infill Development SPG with regards to residential amenity. The proposal is also contrary to criterion l) of LDP Policy DES1 as it does not protect the existing residential area characterised by high standards of privacy and amenity from over-development. The erection of two dwellings on this site would constitute insensitive, over development and inappropriate infilling.

**Application Number:** DM/2020/01517

**Proposal:** To convert an equity share of one of the affordable units to a financial contribution

**Address:** Swan Meadow, Monmouth Road, Abergavenny, NP7 5HF

**Applicant:** See Agent Details

**Plans:** Location Plan

## **RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT**

Case Officer: Ms Kate Bingham

Date Valid: 19.10.2020

**This application is presented to Planning Committee due to the original decision being made by Planning Committee; Monmouthshire County Council Housing Department is also the applicant**

### **1.0 APPLICATION DETAILS**

1.1 In June 2014 planning permission DC/2013/00304 was approved by Members of the Planning Committee for the construction of 38 no. retirement apartments. That approval was subject to a section106 agreement for a financial contribution requiring that two of the units were "golden share" apartments where either an elderly person or persons nominated by the Council as being unable to meet their housing need on the open market is offered the property. "Elderly Person" is defined as being over 60 and/or a spouse of such person over 55. One of the units has been sold as such with the Council authorising the sale at the market value less a 30% discount. The owner, having received a 30% discount, is required to covenant to comply with the re-sale procedure. However, Monmouthshire County Council's Housing Department has tried to sell the second property to a "Designated Person" but have had no success. Therefore it is proposed to amend the S106 legal agreement to provide a financial contribution to be used for the provision of affordable housing elsewhere in the locality. The current market value is £229,950 making the 30% share worth £68,985.

#### 1.2 Proposal Description

The original consent was granted for the demolition of the existing building and relocation of a sewer in order to develop the site for 38no. McCarthy and Stone retirement apartments. These are centrally managed on site and are only available to persons over the age of 60 (or in the case of a couple, where one of the occupants is over the age of 60 years and the other is over the age of 55 years). The apartments are self-contained but linked by heated corridors from a secure entrance. There are also communal facilities in the form of a laundry, refuse room, guest suite and residents' lounge and kitchen.

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

| <b>Reference Number</b> | <b>Description</b> | <b>Decision</b> | <b>Decision Date</b> |
|-------------------------|--------------------|-----------------|----------------------|
|-------------------------|--------------------|-----------------|----------------------|

|               |  |                       |            |
|---------------|--|-----------------------|------------|
| DM/2020/01517 | To convert an equity share of one of the affordable units to a financial contribution.   | Pending Determination |            |
| DC/2016/01424 | Non material changes to the store/communal areas to provide one bedroom apartment within the ground floor of the main building.  | Approved              | 30.12.2016 |
| DC/2015/00417 | Conditions: 08 Materials and 23 Highways. Reference number DC/2013/00304.  | Acceptable            | 28.10.2015 |
| DC/2009/00081 | Erection of twin monoliths as a landmark tribute   | Approved              | 25.03.2009 |
| DC/2014/01017 | Discharge of conditions 3 (photographic survey) and 4 (written scheme of archaeological work) from Conservation Area Consent DC/2013/00303.  | Acceptable            | 14.10.2014 |
| DC/2015/00315 | Discharge of conditions 15 (site investigation and remediation works) , 16 (site contamination), 22 (car parking scheme), 23 (pedestrian routes for access) and 26 (site contamination) of planning permission DC/2013/00304.  | Acceptable            | 14.01.2016 |
| DC/2015/01360 | Removal of condition 11, 12 and 13 relating to planning application DC/2013/00304.   | Approved              | 13.11.2015 |
| DC/2013/00304 | Redevelopment of the site to form 38 retirement apartments for older persons including communal facilities, car parking and associated landscaping (Revised scheme)  | Approved              | 12.06.2014 |
| DC/2015/01124 | Discharge of conditions on previous application reference DC/2013/00304, conditions 6 (Details of the proposed windows, external doors, eaves (including corbel details, verges, cills, canopies, Juliet balconies, louvered ventilation panels, and boundary railings & gates and balconies), 7 (details of the proposed dormers, portico, and of the timber clad mid section) and 21 (drainage details). | Acceptable            | 09.03.2016 |

|               |  |          |            |
|---------------|--|----------|------------|
| DC/2013/00303 | Demolition and removal of all structures on site and redevelopment of the site to form 38 retirement apartments for older persons including communal facilities, car parking and associated landscaping (Revised Scheme) | Approved | 03.06.2014 |
| DC/2008/00537 | To site an obelisk depicting subjects associated with Lord and Lady Llanover.  |          |            |

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

#### **Strategic Policies**

S4 LDP Affordable Housing Provision

### **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** - Recommend approval.

#### **5.2 Neighbour Notification**

One general comment received:

The address given is Swan Meadow but the map implies that the property referred to is Riverside Court.

The application says there is no need for "this type of affordable housing" but it is unclear what type is being referred to.

### **6.0 EVALUATION**

The only consideration in this case is the amendment of the planning obligation for an equity share of one of the apartments to be changed to a financial contribution made for Affordable Housing in the local area. MCC Housing Department has marketed the property for sale as an affordable home (30% under market value) but have been unsuccessful in identifying a suitable purchaser. The financial contribution in lieu of the equity share will allow Housing to support the provision of affordable housing for which there is a documented need.

Given that there has been a sustained effort over several years to sell the unit without success, it is considered that the amendment to a financial contribution of £68,985 is acceptable and will still help with the provision of affordable housing in the local area in accordance with LDP Policy S4.

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

6.1.1 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.

## **6.2 Conclusion**

The amendment to the section 106 agreement to change from an equity share of a dwelling for a suitable person in need to a financial contribution of £68,985 is considered to be acceptable. The amendment will be made via a Deed of Variation to the original section 106 agreement.

## **7.0 RECOMMENDATION: APPROVE**

### **Deed of Variation to Section 106 agreement**

Financial contribution of £68,985 to be paid towards the provision of affordable housing in the local area.

### **Conditions:**

Not applicable.





## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/10/20

gan Joanne Burston, BSc MA MRTPI  
AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 5<sup>th</sup> November 2020

## Appeal Decision

Site visit made on 19/10/20

by Joanne Burston, BSc MA MRTPI  
AIPROW

an Inspector appointed by the Welsh Ministers

Date: 5<sup>th</sup> November 2020

**Appeal Ref: APP/E6840/A/20/3257827**

**Site address: Pwllmeyric Lodge, Badgers Meadow, Pwllmeyric, NP16 6LE**

**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 & Mrs Gittins against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/00127 dated 15 May 2020, was refused by notice dated 17 July 2020.
- The development proposed is the conversion of detached double garage to two-bed self-contained dwelling and proposed single storey garage replacement.

### 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.

### Main Issues

3. The main issues in this appeal are:
  - the effect of the proposed development on the character and appearance of the area;
  - the effect of the proposed development on biodiversity interests; and
  - whether there would be appropriate provision for affordable housing.

### Reasons

#### *Character and Appearance*

4. Badgers Meadow is, in the main, characterised by substantial detached dwellings, set back from the road frontage, with large gardens to the rear. The mature landscaping

to the front of these properties, with trees and hedgerows, creates a spacious, open and verdant character to the street scene. The appeal site comprises the driveway and double garage to the side of the host property, Pwllmeyric Lodge.

5. The proposed building would be smaller than others on Badgers Meadow in terms of width and bulk and would have little in the way of private amenity space. Whilst I accept that there would be enough distance between the appeal site and the neighbouring property to ensure no adverse effect on the living conditions of the occupiers, the proximity to the boundary is tight and would be at odds with the existing plot form and layout of the immediate context whereby there is breathing space between dwellings.
6. Taking its relatively constricted size together with its proximity to the side boundaries, I consider that it would appear shoehorned into or cramped within the plot. Accordingly, the development would appear incongruous and it would unacceptably diminish the spacious character of the street scene.
7. Overall, the development would not function well or add to the overall quality of the area, nor be visually attractive as a result of good layout. Therefore, the proposal would fail to comply with the Monmouthshire Local Development Plan (LDP) Policy DES1 which establishes that all development should be of a high-quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment.
8. Whilst the Council refers to LDP Policy EP1 in its 'Reasons for Refusal', I have no substantive evidence that the proposed development would negatively impact on neighbouring occupiers privacy, amenity or health or that the proposal would cause an unacceptable risk to public health or safety.

#### *Affordable housing*

9. The LDP indicates an on-going annual requirement for affordable housing of some 96 dwellings or 960 affordable homes over the LDP plan period. LDP Policy S4 sets out the Council's requirement for affordable housing provision. The policy states that for development sites with a capacity below the thresholds, such as this proposal, will make a financial contribution towards the provision of affordable housing in the local planning authority area.
10. It is not disputed between the main parties that a financial contribution is required. The Council's Affordable Housing Supplementary Planning Guidance, dated July 2019, establishes that an applicant will need to enter into a S106 agreement to pay a financial contribution towards affordable housing. I see no reason to depart from this standard mechanism.
11. Therefore, in the absence of an executed and certified copy of a section 106 planning obligation or a completed Unilateral Undertaking which represents the legal mechanism to secure the delivery of any affordable housing, I find the proposal to be contrary to LDP Policy S4, which seeks to increase the provision of affordable housing.

#### *Biodiversity*

12. Planning Policy Wales, Edition 10 (PPW) sets out at paragraph 6.4.5 that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of*

*habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity."*

13. I acknowledge the appellants' comment that a planning condition would ensure that any environmental enhancement as required by the LDP would be undertaken. Nevertheless, securing a net benefit for biodiversity requires an understanding of the local context to identify new opportunities to enhance biodiversity. Such opportunities should be established by an applicant at an early stage when considering development proposals. I have no evidence of measures to secure any biodiversity enhancements before me. Without this information I consider that the net effect of the proposed development on biodiversity is likely to be negative to some degree and certainly not an enhancement as sought by PPW.
14. To conclude on this main issue the proposal would fail to include biodiversity enhancements. As such it would fail to comply with: LDP Policies S13 and NE1 which, amongst other matters state that development proposals must protect, positively manage and enhance biodiversity; and PPW as set out above.

### **Conclusion**

15. For the reasons set out above and taking into account all matters raised, I conclude that the appeal should be dismissed.

*Joanne Burston*  
INSPECTOR

This page is intentionally left blank

---

## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 19/10/20

**gan Joanne Burston, BSc MA MRTPI  
AIPROW**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 5<sup>th</sup> November 2020**

## **Appeal Decision**

Site visit made on 19/10/20

**by Joanne Burston, BSc MA MRTPI  
AIPROW**

**an Inspector appointed by the Welsh Ministers**

**Date: 5<sup>th</sup> November 2020**

---

**Appeal Ref: APP/E6840/A/20/3257266**

**Site address: Worthybrook Farm, Wonastow, Monmouth, Monmouthshire, NP25 3DJ**

**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 A Bevan against the decision of Monmouthshire County Council.
  - The application Ref: DM/2018/01720 dated 1 July 2018, was refused by notice dated 11 February 2020.
  - The development proposed is alterations and conversion of existing agricultural buildings to form two-bedroom dwelling unit with ancillary works.
- 

### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. An application for costs was made by Mr A Bevan against Monmouthshire County Council. This application is the subject of a separate Decision.

### **Procedural Matters**

3. 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.

### **Main Issue**

4. The main issue in this case is whether the proposal is consistent with local and national policies relating to the conversion / rehabilitation of buildings in the open countryside for residential use and if not whether there are other material considerations sufficient to lead to a conclusion contrary to the development plan.

## Reasons

5. Planning Policy Wales, Edition 10 (PPW) states at paragraph 3.56 that *“Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing, or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.”* Whilst the appellant also refers to paragraph 3.72 of PPW, this specifically refers to ‘inappropriate development’ in the Greenbelt which is not relevant to the case before me.
6. Monmouthshire Local Development Plan (LDP) Policy H4 establishes strict controls to be applied in the consideration of the conversion of barns and rural buildings to residential use. Further advice is also provided in the Council’s ‘Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance, November 2017’ (SPG). The general thrust of Policy H4 and the SPG is to ensure that the conversion /rehabilitation of buildings does not detract from the special qualities of Monmouthshire’s open countryside and in particular that all rural buildings suitable for conversion must be traditional in design and material, of good quality and have character in their appearance.
7. The appeal site contains a coterie of agricultural buildings broadly laid out in a ‘U’ shape. The appeal proposal will utilise two of the buildings on the eastern edge of the site, with the remaining building, on the southwestern edge of the site, demolished.
8. It is accepted by the Council that LDP Policy H4 allows for the conversion of rural buildings to residential use. Nevertheless, criterion (e) states, amongst other matters, that *“buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion.”* Furthermore, criterion (f) states that *“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.”*
9. The existing stone building is of traditional character and appearance and is structurally sound, thus suitable for conversion. However, given that this building is 34m<sup>2</sup>, a figure not disputed by the appellant, it is significantly below the 50m<sup>2</sup> threshold established in the SPG. It would therefore, by itself, fail to provide adequate living space. Accordingly, the appellant has sought to utilise the more recent lean-to addition to the stone barn and the stables constructed of concrete blocks with a corrugated metal sheet roof.
10. The appellant states that these buildings were erected in the 1950’s and cannot be considered as ‘modern’. Nevertheless, Policy H4 at (e) also refers to ‘utilitarian construction e.g. designed to be useful rather than attractive, which to my mind, is the case here. Whilst I accept that these materials have generally been used for a period in excess of 70 years, there is no substantive evidence that the characteristics of these particular buildings have inherent architectural value, or that they are

constructed of traditional materials that respects the character and appearance of the rural area.

11. On the evidence before me, therefore, these buildings cannot properly be considered to be traditional agricultural or rural buildings for which a re-use for residential purposes in order to protect the character and appearance of the Monmouthshire countryside would be desirable.
12. Moreover, even if I were to consider these additional buildings as extensions to the core accommodation, being some 67.5 m<sup>2</sup> they could not be considered as 'very modest extensions' and would fall foul of LDP Policy H4(f). Whilst the basement excavation may benefit from permitted development rights, Policy H4 also states that "*normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn.*"
13. Overall, the cumulative effect of the proposal, given the number of extensions and the proposed glazed link corridor, would be tantamount to a new dwelling in the countryside, where the original form of the stone building would fail to be appreciated. As such it would be contrary to PPW and LDP H4, in particular criteria (e) and (f).

#### *Other Material Considerations*

14. In support of the proposal the appellant states that the proposed barn conversion would support a single person and such accommodation is difficult to find in Monmouthshire. Whilst I have no evidence to confirm this contention, I acknowledge that the appeal proposal would contribute to housing in the area. Nevertheless, the provision of one dwelling would make a very limited impact.
15. I also accept that the appeal scheme as an improvement on that previously dismissed<sup>1</sup>. Further, if it were well-executed it would improve the character and appearance of the local area, but that argument could be applied to almost any ugly and derelict or semi-derelict farm building, resulting in a proliferation of dwellings in the open countryside (contrary both to PPW and to development plan policies). So that in itself could not be decisive.
16. My attention has been drawn to a number of recent decisions<sup>2</sup>, by the Council that the appellant suggests indicate an inconsistency in its approach to the consideration of the appeal proposal compared to other proposals for the conversion of agricultural buildings to residential use. Although I have been provided with some information regarding these decisions, I am not aware of the full details of the circumstances relating to these decisions such as to enable me to judge whether they are directly comparable to this case. Furthermore, a number of these decisions were based on previous development plan policies and guidance. In any event I have considered the appeal proposal on its own merits taking into account the specific context of the site and its surroundings and current local and national planning policy. Consequently, I give these other planning permissions little weight in favour of the development.

#### **Planning Balance and Conclusion**

17. PPW establishes that new building in the open countryside away from existing settlements must continue to be strictly controlled and this is made evident through the LDP policies. Consequently, substantial weight must be given to the conflict with

---

<sup>1</sup> Appeal decision reference: APP/E6840/A/06/1198888

<sup>2</sup> Planning Permission references: DC/2007/01144; DC/2016/00287; DC/2011/00823; DM/2018/01888; DC/2017/00895; DM/2020/00571; DM/2019/02004; DC/2007/01297

LDP Policy H4<sup>3</sup> and the harm to the countryside. On the other hand, as I set out above, benefits would arise from the proposal, most notably the small contribution to housing.

18. However, the benefits of the scheme, whether considered individually or cumulatively, are not such to outweigh the totality of harm I have identified. The proposal conflicts with both the development plan and PPW when each is considered as a whole. There are no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan.
19. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Joanne Burston*

INSPECTOR

---

<sup>3</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.



## Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 19/10/20

gan Joanne Burston, BSc MA MRTPI  
AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 5<sup>th</sup> November 2020

## Costs Decision

Site visit made on 19/10/20

by Joanne Burston, BSc MA MRTPI  
AIPROW

an Inspector appointed by the Welsh Ministers

Date: 5<sup>th</sup> November 2020

**Costs application in relation to Appeal Ref: APP/E6840/A/20/3257266**

**Site address: Worthybrook Farm, Wonastow, Monmouth, Monmouthshire, NP25 3DJ**

**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 A Bevan for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal of planning permission for alterations and conversion of existing agricultural buildings to form two-bedroom dwelling unit with ancillary works.

## 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. The appellant refers to the inconsistency of the Council when applying the Monmouthshire Local Development Plan (LDP) Policy H4 and has supplied a number of previous planning decisions to demonstrate this.
4. It has been established by case law that previous planning decisions are capable of being material considerations, meaning that they may need to be taken into account by those determining subsequent applications for permission. However, Councils are not bound by its earlier decisions, but in departing from them must provide clear reasons.

5. As I read in the applicant's '*Design and Access Statement*<sup>1</sup>', the issue of consistency in decision making had been raised, although at this stage no specific decisions were referenced. Generally greater weight is attached to issues supported by evidence rather than solely by assertion. From the evidence before me it was not until the applicant submitted his '*Statement of Case*' that explicit case references were supplied.
6. The '*Officer Report*' sets out the matters taken into account by the Council. Whilst no reference is made to other similar decisions, the Report does state the specific individual circumstances of the case which would distinguish it from other examples, such as the location, condition, design and layout of the existing buildings. In any event, the Officer Report is not addressed to the world at large but to council members who, by virtue of that membership, may be expected to have substantial local and background knowledge of other similar cases.
7. I accept that it may have been useful to the applicant if there had been a discussion of other barn conversion cases so that it was clear how the decision was reached, particularly as the issue of 'consistency' was raised by the applicant. Nonetheless, this is not the end of the matter. For costs to be awarded the unreasonable behaviour of the Council must result in unnecessary or wasted expense.
8. It will be seen from my decision that I agree with the Council's refusal. I find that the decision was a matter of judgement based on the evidence before the Council and they took into account the development plan and guidance within the Council's Supplementary Planning Guidance. I am satisfied that the Council adequately applied the relevant policies and substantiated its reason for refusal.
9. The reference to specific cases were subsequently responded to by the Council in its '*Response to the Cost Application*'. The review, albeit brief, provided sufficient evidence to indicate to me that the Council has been consistently applying LDP policies and therefore I consider the expenses incurred in submitting the appeal were reasonably expected and necessary.

### **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

---

<sup>1</sup> paragraph 4.2