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Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 28 Rhagfyr 2020

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 5ed Ionawr, 2021 at 2.00 pm
Remote Meeting
AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ymddiheuriadau am absenoldeb	
2.	Datganiadau o Fuddiant	
3.	Cadarnhau cofnodion y cyfarfod blaenorol	1 - 24
4.	Ystyried yr adroddiadau Ceisiadau Cynllunio gan y Prif Swyddog – Mentergarwch - (copiau wedi'u hatodi):	
4.1.	Cais DM/2018/00834 – Cynnig ar gyfer datblygiad preswyl fforddiadwy 100% (12 o anheddau) gyda gofod agored cyhoeddus, seilwaith tirweddu a phriffyrdd a gwaith a gweithgareddau atodol eraill. Tir i'r Gorllewin o Glebe Cottage, Llandeilo Bertholau, Sir Fynwy.	25 - 48
4.2.	Cais DM/2019/01842 – Amrywio amod 1 o DC/2012/00459 er mwyn ymestyn y dyddiad cau ar gyfer dechrau'r gwaith o 12 mis. Green Dragon Inn, St Thomas's Square, Trefynwy, NP25 5ES.	49 - 58
4.3.	Cais DM/2019/02076 – Rhyddhad o amod rhif 5 o ganiatâd cynllunio DM/2019/00595 (cynllun rheoli). 62 Heol Cas-gwent Cil-y-coed, NP26 4HZ.	59 - 70
4.4.	Cais DM/2020/00855 – Tai allan arfaethedig at ddefnydd atodol ac achlysurol, ac unioni annedd preifat defnydd cymysg (C3) gyda chanolfan hyfforddi/cilio elusennol (yn darparu therapi/dosbarthiadau gyda llety preswyl dros dro) (C2). Heol Cwm Cribau, Llanfair Is Coed.	71 - 84

4.5.	Cais DM/2020/01157 – Dymchwel yr annedd presennol ac adeiladu annedd newydd. Red Barn Farm, Heol Crick, Drenewydd Gelli-farch, NP16 6LS.	85 - 94
5.	ER GWYBODAETH – Arolygiaeth Gynllunio – Penderfyniadau am yr Apeliadau Wedi’u Derbyn.	
5.1.	13A Fosterville Crescent, Y Fenni.	95 - 98
5.2.	Horseshoes Barn, Great Park Farm, Great Park Road, Llanfihangel Crucornau, Y Fenni.	99 - 102
5.3.	Rear Barn, Manor Farm, St. Bride’s Road, St. Bride’s Netherwent, Cil-y-coed.	103 - 106

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 i'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 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 gyfundeb 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 gweddllun ei osodiad ac unrhyw adeiladau cyfagos o ansawdd;
- d) Cynnal lefelau rhesymol o breifatrwydd ac amwynder defnyddwyr adeiladau cyfagos, lle'n berthnasol;
- e) Parchu'r golygfeydd adeiledig a naturiol lle maent yn cynnwys nodweddion hanesyddol a/neu amgylchedd adeiledig neu dirlun deniadol neu 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, gweddllun, ffurf adeiledig a thirlunio ac i effeithiolrwydd ynni a defnyddio ynni adnewyddadwy, yn cynnwys deunyddiau a thechnoleg;
- k) Meithrin dylunio cynhwysol;
- l) Sicrhau y caiff ardaloedd preswyl presennol a nodweddir gan safonau uchel o breifatrwydd ac ehangder eu gwarchod rhag gor-ddatblygu a mewnlenni ansensitif neu amhriodol.

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

Canllawiau Cynllunio Atodol (SPG):

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

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-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 (Mehafin 2015)

Polisi Cynllunio Cyhoeddus

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

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

Materion eraill

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

Deddf Cynllunio (Cymru) 2016

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

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

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

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

Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

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

Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

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

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

(ii) Nad oes dewis arall boddhaol.

(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffatriol 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. 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, 1st December, 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

County Councillors R.J.W. Greenland and V. Smith attended the meeting by invitation of the Chair.

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

None.

1. Declarations of Interest

County Councillor A. Easson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2020/01328, as he has a personal acquaintance with the applicant.

County Councillor R. Greenland declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2020/00875, as the site of the application is visible in the distance from part of his driveway. It is so far away that it does not impact on his property. The officer report mentions the nearby Church of St. Thomas à Becket. He has worshipped at the church for many years.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 3rd November 2020 were confirmed and signed by the Chair.

3. Application DM/2020/00712 - Retrospective planning permission for altered vehicular access. Field (2140) Weyloed Lane, Mynyddbach, Chepstow, NP16 6BU

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

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Councillor I. Martin, representing Shirenewton Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'In our response on 7th August Shirenewton Community Council highlighted four issues which require updating:

1. Highway safety. We remain concerned as do at least 6 neighbours, that widening the access risks greater usage including larger longer vehicles and/or machinery requiring a wide turning circle and very slow speed on exit from the site. This is on a blind bend and at the junction of the B4523 with Weyloed Lane thereby creating a considerable road safety hazard to other road users particularly the many cyclists and motorcyclists. We maintain our objection to the application on the grounds of highway safety.

2. The route of footpath 17. Having referred to the maps showing the legally defined footpath we observe that the route of footpath 17 has been abandoned ("Abandoned Footpath") through the site. The public have used an established unrecorded footpath for at least 40 years ("Alternative Footpath"). We understand that in the 1980s Monmouthshire County Council erected a footpath, steps and sign for this Alternative Footpath.

We agree with the Footpath Officer in his report of 30th October that the Abandoned Footpath cannot be used on its legally recorded alignment.

We understand that the Footpath Officer does now have concerns over the footpath route and the Planning Officer's report that he has no objection is no longer correct.

Any proposal to reopen the Abandoned Footpath would be heavily criticised by the local community for its negative impact on our environment and posing a safety threat as it would emerge on the B4523 on the blind bend mentioned above. The adverse gradient at the bottom of Weyloed Lane causes traffic travelling in both directions to use that side of the road. Residents have raised the dangers of pedestrians crossing this particular intersection. The Alternative Footpath is in a safer location.

Clarification of the applicant's amended plan is needed as it does not show the installed fence posts extend beyond the canopy of the oak tree and incorrect in not following the Abandoned Footpath.

Monmouthshire County Council's Footpath and Protocols guide makes clear the Planning Authority can consider the existence of the Alternative Footpath needs to be resolved in association with the consideration of the planning application. We consider the application should be refused or deferred until the footpath route is settled.

As the applicant intends to keep animals on the site then if the Committee is minded to give consent we would request that the Alternative Footpath be protected and fenced for the safety of the public.

3. Tree preservation orders. We endorse the Tree Preservation Officer's site requirements.

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4. Removal of the hedgerows. If the Committee is minded to give consent we would request that the replanting and nurturing of the hedgerows and the Tree Preservation Officer's recommendations be included as conditions.

We consider that the application should be refused on the above grounds or at the very least deferred pending resolution of the route of the footpath.'

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

- Until recently there was a rarely used standard agricultural gate to the field outside the development boundary for Shirenewton and close to Wayside House at the bottom of Weyload Lane.
- The access was doubled in size on a bank holiday weekend with excavation works undertaken to remove hedgerows and the piling of stones by protected trees.
- This is a retrospective application following a request for the original access and hedgerow to be restored.
- The local Member hoped that action would be taken to ensure that the gate and hedgerow removed would be restored or alternatively that the officer recommendation would be refusal in view of its dangerous highway location, as it has in other access applications close to blind bends on the B4235.
- The access is close to the exit to and from Weyloed Lane. There is a sharp drop and the visibility of Weyloed Lane is limited and obstructed onto the B4235. The height and camber of the road is such that it is difficult to exit from Weyloed Lane onto the B4235 without going onto the other side of the road. This manoeuvre is difficult and dangerous with the angle and drop onto the B4235.
- In addition, the site is close to a sharp, blind bend and in an area that is noted as being hazardous due to the double no passing hazard lines.
- It is also a road known to be frequented by fast motorcyclists.
- One of the highway arguments may be based on 'no more use than currently'. However, the report refers to the expected daily use of this site, which will increase its usage by 100% on a very dangerous access. The Highways Department has tried to improve this situation by stating that the gate should be placed at least 12 metres from the highway. The applicant's plan states that this is 11 metres back from the road but there is no highway condition on there being no gate until 13 metres back to help with the free flow of traffic. This should be stated as a highway gate condition.
- A condition is needed that the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This

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is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.

- The original plan went back to the end of the field as this was where the loose stone drive has already been placed. This needs to be shortened slightly to avoid harm to an oak tree. However, as a 9.2 metre horse box will be entering the field, then it will also require a turning circle, which was in the original plan but has been removed from the amended plan. A turning circle is required to prevent a long horse box having to reverse onto the busy, hazardous road and allow for the vehicle to leave the site in a forward gear as per the original plan for this application.
- The plan shows footpath 17. However, this abandoned footpath has not been used since the 1980s. Monmouthshire County Council had erected a style and signpost for a safer route in the middle of the field which has been used by local people since the 1980s. This is a regularly used footpath and the community would like to continue to use it as a safer route. The current footpath was diverted at least 35 years ago.
- According to local knowledge, Wayside House and the field was owned by the applicant about 40 years ago. The garden was extended into the field with Wayside House being hedged and fenced. An alternative safe and public right of way, in the middle of the field, was established at least 35 years ago.
- Wayside House was sold about 30 years ago to its current owner. The local Member believes that in view of the Monmouthshire County Council actions, there is a strong moral, if not legal duty for this to be confirmed by a diverted footpath order as a part of this application.
- There will be considerable community concerns if this current route is not maintained and considers that the Planning Committee should take account of this.
- The local Member would like the application to be deferred on planning grounds that it is not properly to scale or accurate. The applicant's original plan had a turning circle which is no longer there. On highway safety grounds, this needs to be included. At the same time, a footpath order should be introduced to divert this footpath in its current usage.
- It would be better if the original plans submitted by the applicant were maintained with a turning circle but slightly shorter, if possible to avoid the tree issues with a condition that the footpath order should cover the diverted and used route.
- Footpath 17 is not used and comes into a field in an unsafe location at the bottom of Weyloed Lane. If the turning circles are not identified and planned then turning might impact the current pedestrian route.

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- The local Member asked the Planning Committee to consider deferring the application.
- The consideration of footpaths is a material consideration in planning matters.
- If the Planning Committee was minded not to defer the application then the local Member requested that refusal of the application be considered on highway safety grounds.

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

- A Member considered that the Definitive Map needs to be referred to for the footpath to be considered properly in its current state with the Rights of Way Department before determining the planning application.
- The application is considerable betterment of the site.
- The Development Services Manager informed the Committee that, in terms of the public right of way, it is material consideration to some extent but there is a need to establish whether the development impacts on the public right of way. The definitive line of the right of way runs through the neighbour's garden and across the field but it is not impacted by this proposal even extended back with the gates 13 metres. As currently proposed, without the extended access track and turning circle, there is no impact on the definitive route. Where it is temporarily waymarked, for many years, that has also not impacted on by this development.
- The Highway Development Manager stated that the applicant has come forward with minor amendments to improve the safety of the access and egress from the field. By setting the gates back by 12 metres enables all agricultural vehicles to open the gates and not wait on the public highway. This is a significant highway safety improvement. It also allows for leaving the site and closure of the gate which is a safety improvement for livestock within the field. The provision of a hard apron of five metres will greatly reduce the likelihood of any loose material and mud from the field being dragged onto the public highway. The Highways Department has no grounds to object to this application.

The local Member summed up as follows:

- A better solution would be the first idea put forward by the applicant, i.e., the plan with the turning circle. This is already in situ but could be slightly shortened to avoid impacting on the oak tree. Hence, the request for Planning Committee to consider deferral of the application to review this option. It was considered that the footpath issue could also be resolved at the same time.

The Development Services Manager informed the Planning Committee that the scheme has been negotiated to exclude the turning head. Planning Officers are endorsing the scheme to the Planning Committee accordingly. There is scope to

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manoeuvre and turn vehicles around in the field and leave in a forward gear. The gates will be set back 13 metres into the site.

With regard to the public right of way, this matter would be the responsibility of the Public Rights of Way Team in the Countryside Division. The Team is aware of the issue. However, the right of way, does not impact on the application.

The current turning area is unauthorised and is not a part of the scheme. Therefore, there is a need for condition 2 in the report to re-instate it with grass to be part of the field.

The local Member had proposed that the Planning Committee be minded to defer consideration of the application on planning grounds that it is not properly to scale or accurate. However, this was not seconded.

In response to the additional condition raised by the local Member, namely:

‘That the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.’

The Development Services Manager stated that this condition could be included.

The local Member had proposed that we be minded to refuse the application on highway safety grounds. However, this was not seconded.

The Chair asked the Committee to vote on approval of application DM/2020/00712 subject to the five conditions outlined in the report and subject to an additional condition, as follows:

That the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.’

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

For approval	-	10
Against approval	-	1
Abstentions	-	1

The proposition was carried.

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We resolved that application DM/2020/00712 be approved subject to the five conditions outlined in the report and subject to an additional condition, as follows:

That the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.'

4. Application DM/2020/00875 - Change of use of stable block to self-contained holiday accommodation. Stables, Church Farm, Church Cottage Lane, Wolvesnewton Devauden

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

The Development Services Manager suggested that should the Committee be minded to approve the application with the condition that a Section 106 legal agreement also be considered to secure the holiday lets and tie them to the farm holding at Church Farm.

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

- The local Member is generally in favour of farm diversification and tourist accommodation where appropriate. However, this application has created a lot of controversy.
- The building was built in 1988 and was originally described as a stable. However, the applicant has stated that it was never used for that purpose but for sheep.
- The applicant now lives in Devauden which is the centre of their farming enterprise with this site being an outlying piece of land.
- In 2008, planning permission was granted for a new pitched roof. New double skinned walls with window and door openings were built before 2008 which means that these are now legal even though planning permission was not applied for at that time.
- In 2018, with the walls having legal status, pre-application discussion with Planning officers was held but no application was submitted at that time.
- Last year, a wall was built for cattle handling but not in the position which it was granted planning permission. The wall has not been used for that purpose. The wall encroaches 1.9 metres, at one point, onto the adjoining land. The local Member considers that this building could not have been made lawful had the wall been built in the position for which planning permission was granted.

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- The local Member referred to Planning Policy T2 which refers to visitor accommodation. Looking at the exceptions to T2, one of the questions asks is 'is this an existing and occupied farm property?' The site does not have a farmhouse. It has the appearance of derelict farm buildings. The site does not have an active farm building.
- The local Member read part B of Planning Policy T2.
- If the walls are over 10 years old they have legal status. However, T2 does not say that consideration should not be given to anything older than 10 years.
- The local Member asked that careful consideration be given to this application and whether it has been done for circumnavigation of the planning regulation.
- There is no reasonable design in the proposed building. It is very utilitarian and is incongruous in policy terms.
- Recently, some trees on the boundary of the site were felled making the site very visible from an adjoining public footpath.
- The local Member does not consider that the proposed development is suitable for conversion under Planning Policy T2 and asked that the Committee considers refusal of the application on this basis.
- Highways Officers have considered the access to be suitable. However, the access is very narrow and if accessed during the hours of darkness it is difficult for vehicles to access. The access is not suitable for quality accommodation.

Councillor A. Williams representing Devauden Community Council, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- Devauden Community Council tries to balance the need to bring diversity and opportunity into the community versus the amenity to the community at large. However, it was considered that this application fails to achieve this.
- There are a number of well-argued objections from neighbours regarding the suitability of the development as a commercial holiday let and the Community Council agrees with these objections.
- The Community Council has seen better sited and better thought through applications than this proposal.
- Concern was expressed regarding the new access to the proposed development and the upset that its creation has caused.
- It was opposed from the beginning by the Community Council and neighbours but approved as a permitted development.

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- It is extremely narrow and compromises access to nearby properties.
- It cannot safely accommodate the raised levels of traffic which would result from the development which would also potentially mix farm machinery with holiday makers.
- The applicant has extended the eastern boundary into adjoining land and diverted an important existing access track around it without the landowner's permission.
- Devauden Community Council supports the objections to the application and asked the Planning Committee to consider refusal of the application.

Mr. Marlow, objecting to the application, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- This enterprise was, until recently, a small holding and has only recently been linked to other farming land in the area.
- Church Cottage was linked to these buildings and fields but was sold 20 years ago, so there is no person on site with these buildings. The site is only visited every few days.
- The proposed design is visually unattractive and not an improvement on what is already there.
- The block building which is described as an agricultural building was started as a lean-to shed which 10 years ago was re-roofed to create a pitched roof. Other operations took place involving the creation of a double skinned building with internal block walls. Domestic window reveals are behind the single skin with domestic doors put in place. Plumbing for two toilets was installed, making this building more domestic rather than agricultural.
- The other building is a wooden stable block with attached tack room which is at least 30 years old and dilapidated which would have to be demolished, re-built in block work on the same footprint and then made to look as if it has wooden cladding.
- The proposed access is a narrow track which runs alongside the objectors property is to be shared with the farm and the holiday cottages. This is a narrow track with difficult access. If two vehicles were to meet they would have to reverse 200 metres back to the church as there are no passing places.
- Recently, the objector's wall was damaged by a vehicle attempting to access the lane which caused damage to their external oil supply line.
- The only traffic that currently travels along this track are visitors to the objector's property or their neighbour's property.

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- There is an existing access which has been in use for 40 years nearby which has a large gateway into the farmyard and a large gateway into the development site. This would be a superior option if it were continued as the access instead of the narrow track.
- Recently, a number of mature trees were felled along the boundary line which exposes the site to the public footpath and from the other side the site is visible from Wolvesnewton Church and the Cobblers Plain ridge.
- Marlow Vets employs 26 people from the surgery and cares for animals from their home so requires access.
- The objector's quality of life at home will be seriously impacted by the creation of the dwellings and the increase in traffic that would be generated along the narrow lane.

Mr. S. Leaver, applicant's agent, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- Rights of access to the property and not having public vehicle rights are not material consideration to the application process. However, evidence has been provided confirming that the road leading to the redline site boundary application area is considered a track with public vehicle rights.
- The applicant runs a legitimate farming business and has done for 40 years. The business is run over approximately 179 acres of agricultural land which is farmed in four blocks. There is approximately 40 acres at Church Farm along with a building being proposed for conversion and a larger stock building which is used for over wintering of cattle.
- The applicant also operates a farm business tenancy over 75 acres of a Monmouthshire County Council owned farm. The applicant also farms another 50 acres on grazing licences.
- The applicant has occupied Church Farm since the 1980s with the building for conversion having been erected since 1988.
- The timber building was erected for lambing and has been partitioned for such use with the block work partition later added to provide additional capacity and weatherproofing. The building has been used for lambing for many years but with the farming business having grown and changes in agricultural practices, the applicant now lambs in larger sheds off site. The building is currently under-utilised and used for the storage of equipment and animal feed.
- The intention behind the proposal is to convert the currently under-utilised building in order to create an additional diversified income stream for the farm. Farms are having to diversify in order to generate additional revenue.

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- Whilst the farming business will remain the core business, the provision of holiday let income from this building will provide some stability in cash flow for the business during a turbulent economic period.
- The applicant's agent asked the Planning Committee to consider approval of the application in line with officer recommendation.

Having considered the report of the application and the views expressed, the application was discussed at length with a number of issues raised regarding the design of the proposal and access to the site.

Following the discussion it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that we be minded to defer consideration of application DM/2020/00875 to a future meeting of Planning Committee to allow officers to explore design amendments with the applicant's agent to enable the building to have more character; to clarify whether the other access to the east can be used instead of proposed access; require a site layout plan indicating parking provision; explore a refuse storage area and means of enclosure.

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

For deferral	-	11
Against deferral	-	2
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2020/00875 to a future meeting of Planning Committee to allow officers to explore design amendments with the applicant's agent to enable the building to have more character; to clarify whether the other access to the east can be used instead of proposed access; require a site layout plan indicating parking provision; explore a refuse storage area and means of enclosure.

5. Application DM/2020/01036 - Reposition of access and gate, new planting and retention of access track. Bluebell Farm, Blackbird Farm Road, Earlswood

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

Councillor I. Martin, representing Shirenewton Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'Shirenewton Community Council objects to this application.

The Planning Committee may not be aware of application DC/2017/00607 in virtually identical terms to this application, and of the decision by Monmouthshire County Council to refuse on the grounds:

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1 The proposed access and roadway by virtue of its prominent location would be incongruous features that would be detrimental to the character of the locality. The development would have a significantly detrimental impact on the character and appearance of the rural landscape contrary to Policies DES1 (c), (e) and (h), LC1 and LC5 of the Local Development Plan.

2 The proposed new access is an unnecessary engineered incursion across a prominent open area which would not provide a safe easy access and could potentially harm the safety and convenience of the road users contrary to Policy MV1 and criteria (a) and (e) of Policy DES1 of the Monmouthshire Local Development Plan.

We are not aware that these planning policies have changed since that refusal.

We consider the report by Lime Transport is misconceived because:

1. It is headed Proposed Agricultural Access and makes reference to agriculture. This is not a farm but a private residence. Putting a private road across two open fields is unjustified. The access is for the movement of the residents' own horses the keeping of which is not an agricultural activity.

2. It asserts at para 1.1.3 There is no change in use on the farm and the number and type of vehicle movements generated by the site will remain unchanged. Therefore, there is no impact on the wider highway network associated with this additional access.

Previously, access was by Blackbird Farm Lane not Old Road. Old Road is very narrow with limited vision and high hedges, with no passing places back to the main road (see para 2.1.4 - there is: limited carriageway width at the Old Road/Bluebell Road crossroads). It is already hazardous for motorists and pedestrians alike.

We are disappointed that Highways have not supported Monmouthshire County Council's 2017 refusal that it would not provide a safe easy access and could potentially harm the safety and convenience of the road users.

We further take issue with the Landscape and Visual Appraisal Paper which asserts the proposed track will be indistinguishable from the field appearance. Not only is the track as presently laid immediately apparent because of the open nature of the landscape but also the use of heavy horse boxes over the track in winter will cause significant ruts eventually necessitating a more robust road foundation. Despite the earlier refusal decision, the road has now been laid. We consider placing of private roads across fields to be bad farming practice and unnecessary scarring of the landscape.

Our recent survey of residents shows they wish to preserve the characteristics of our area which are essentially farming and rural landscape. This area should again be designated as of special interest and we consider it is important both for the attraction of tourists and for the benefit of future generations to maintain those characteristics.'

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Mr S. Courtney, applicant's agent, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'I act on behalf of the applicant, Mr James Howells, in respect of this application for the reposition of an access and gate, translocation of hedging together with new planting and retention of access track leading to his barn/stables. This application follows a previous refusal in 2017 to retain an altered access and track.

Members should be aware that the application is required to overcome a highway safety issue allowing the applicant to safely access his barn/stables via a modified access and track, avoiding safety issues and conflict with neighbouring properties. The applicant keeps horses and occasionally needs to transport them using his horsebox. The original route to the south, via Blackbird Farm Road, is a single-track lane which is shared with neighbouring properties and the applicants' horsebox is too large to safely use this route; this has previously resulted in conflict with the applicant's neighbours. The part retrospective nature of this application is due to the fact that the applicant was originally advised that the works, including the modification to the existing field access, didn't require permission.

I would like to reassure Members and interested parties that the concerns raised by the Community Council and indeed the Local Planning Authority previously, have been duly considered within the revised scheme. In light these and following a process of pre-application consultation with Officers, the proposals have been revised and supplemented as follows:

- A more modest access is now proposed comprised of galvanised steel farm gate flanked by timber post & rail fencing, together with the hedge planting, which is considered to be more befitting to the rural location.
- The access is recessed into the field parcel to allow sufficient space for the horsebox to access and egress from the property without blocking the lane. This recess offers an additional safety benefit through the provision of an additional passing bay for passing traffic.
- Additional tree and hedge planting is proposed, to further soften the visual impact of the proposal and to provide an overall net biodiversity gain.
- A Landscape Assessment has been prepared which confirms that any visual impact of the new access is negligible and not out of accord with the rural location and as such the proposal is considered acceptable in landscape and visual terms.
- The application is also accompanied by a Technical Note which confirms that the new access accords with relevant design standards and provides a more suitable vehicular access for agricultural vehicles (including a large horsebox) and will represent an improvement in terms of highway safety.

To close, I would like to reassure Members and the Community Council that this application, has been properly considered and has subsequently received your Officers support, following a process of consultation, taking on board a number of suggestions

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made during the process. No objections are raised by any of the specialist consultees, including Highways and Landscape Officer.

In light of the above, I would respectfully request that Members support your Officer's recommendation for approval in accordance with both national guidance, together with policies of the Local Development Plan.'

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

- In 2017 the first application was refused by the Local Planning Authority on the basis of landscape concerns with a detrimental impact on the rural landscape and highways concerns could harm the safety and convenience of road users.
- The original application provided a residential urban style gate with a long hoggin drive being 420 metres long across two fields. It has been amended in this application to a standard agricultural gate, but the hogging drive still remains.
- The original application was refused on landscape and highway grounds. The landscape assessment submitted by the applicant for this application states that this is an agricultural feature in an agricultural landscape and is considered acceptable in landscape and visual terms. However, this a drive towards a private residence. It is important to bear in mind that the applicant's landscape report also refers to the site being within both the high and in the historic landscape side as outstanding in terms of landscape considerations.
- The original officer report in relation to the same hoggin drive for this retrospective application stated that the Highway Authority considers the proposed access is unnecessary and will create an unnecessary conflict point along the public highway. The application site is already served by a suitable access and driveway. This new access and massive hoggin drive is unnecessary as there is an existing shared, shorter access on Bluebell Farm Lane creating a new private residence non farming access across two fields in open countryside at Old Road which is very narrow.
- At four metres, the hoggin drive track in the middle of two fields on open countryside is wider than the single track road for the new access from Old Road.
- The original officer report, in relation to the hoggin drive, stated that the proposed development is not satisfactorily assimilated in the landscape due to the distance across open countryside position and material used.
- The track does not respect the character of the surrounding area and has an unacceptable adverse impact on the landscape by positioning a domestic access across the field. It is also not required due to the existing access available for use.
- It is important for local people that there is consistency in policy making.

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- The local Member asked that the Planning Committee considers refusal of the application on the grounds of the refusal of the original application.

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

- It was considered that Paragraph 6.1 of the report comes to the right conclusion that all of the development requires consent. However, some concern was raised regarding how the conclusion was reached. Paragraph 6.1 makes its case on immaterial matters, gives weight to them and infers that the principle of the track would not have been a material consideration if only the prior approval process had been followed. The Development Management Area Team Manager stated that paragraph 6.1 would be reviewed and indicated that the application as it currently stands should be considered by Planning Committee.

The local Member summed up as follows:

- The landscape is a particular issue due to the engineered drive.
- The local Member quoted from the applicant's landscape assessment.
- One of the fields considered in the earlier application is about 30 metres. This application refers to a 420 metre track which is about four metres wide, which is wider than the roads adjoining it. This is located in an area with outstanding landscapes.

The Development Management Area Team Manager stated that the application was considered by the Authority's Landscaper Officer and no objection was raised in relation to the track or the impact on the landscape. The landscape officer's recommendation is that the proposed track is not sufficiently harmful to warrant refusal of the application and that the access as designed now and changed is also an enhancement. The landscape concerns that were raised in respect of the previous application have been mitigated against.

It was proposed by County Councillor A. Webb and seconded by County Councillor D. Evans that application DM/2020/01036 be approved subject to the two conditions outlined in the report.

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

For approval	-	10
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01036 be approved subject to the two conditions outlined in the report.

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6. Application DM/2018/00757 - 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. Former railway line, Woodside, Usk to land west of Coleg Gwent site, Monkswood

We considered the report of the application which was recommended for approval subject to the 10 conditions outlined in the report.

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

- The proposal has potential but there are some issues.
- A section of the route lies along an embankment and there are potentially structural issues relating to a bridge.
- The dangerous access across the A472 is recognised and addressing this issue could benefit Woodside residents with regard to traffic speed.
- The route traverses a working farm with a herd of 200 cattle which are moved regularly along and across the route.
- The track surface needs to be well constructed to stand up to their use and other users.
- Concern was expressed regarding the issue of bicycle users and pedestrians coming into contact with cattle and farm machinery along this route.
- It is a recreational route.
- Concern was expressed regarding liability if a member of the public was injured having come into contact with cattle / farm machinery whilst travelling along the route.
- The final leg of the route is across open fields adjacent to the equine centre. There will be horses in the field from time to time and concern was expressed regarding members of the public coming into contact with them. There is also concern regarding the potential for gates being left open allowing livestock to leave the field.
- A fence across this field would need to be considered to prevent contact between livestock and members of the public.
- An alternative route for the access could go through the equestrian centre.
- Concern was expressed that a section of the route will run close to some local properties which was considered to be an incursion to these residents. An

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alternative route should be considered on this basis. The human interest should be taken as seriously as the environmental issue as residential amenity will be affected.

- Concern was expressed that motorcyclists will exacerbate noise levels.

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

- Local farmers have expressed concern regarding the proposal and how they will cope when the cycleway is in operation. Discussion with the tenant farmer needs to be undertaken.
- The Development Management Area Team Manager informed the Committee that the matter of liability falls outside of the Planning process. Any concerns raised would need to be directed to the Project Manager for the application. Engagement with the local farmer and residents are covered via conditions and it would be pertinent to undertake consultation regarding the refuge points and safety audits, as well as the screening proposals near to the two identified neighbours. It was anticipated that a reasonable solution could be achieved via conditions.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Feakins that application DM/2018/00757 be approved subject to the 10 conditions outlined in the report. A request be made to the Project Manager to liaise with tenant farmers using land along the route to help detail the scheme as it affects the farm use.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00757 be approved subject to the 10 conditions outlined in the report. A request be made to the Project Manager to liaise with tenant farmers using land along the route to help detail the scheme as it affects the farm use.

7. 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.

The application had been reported to Planning Committee on 6th 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

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conditions. The conditions below were agreed at the Planning Committee Meeting of 3rd 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 recommended by officers 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.

Having considered the report of the application it was proposed by County Councillor G. Howard and seconded by County Councillor P. Clarke that the minor change in the wording of condition number 13 be approved, namely:

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.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that that the minor change in the wording of condition number 13 be approved, namely:

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.

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8. Application DM/2020/00703 - Construction of a three-bedroom house, Pwllmeyric House, Pwllmeyric, Chepstow

This application had been withdrawn by the applicant before commencement of the meeting.

9. Application DM/2020/00968 - Erection of an agricultural hay and machinery building. Land at Llanvihangel Court, Devauden, Chepstow

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

In noting the detail of the application it was identified that the roof is currently proposed as being grey fibre cement sheeting. However, a condition could be added to agree the roof colour.

It was proposed by County Councillor A. Webb and seconded by County Councillor P. Clarke that application DM/2020/00968 be approved subject to the five conditions outlined in the report with an additional condition that the roof colour be agreed before issuing the decision, with preference being given for a dark green colour.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00968 be approved subject to the five conditions outlined in the report with an additional condition that the roof colour be agreed before issuing the decision, with preference being given for a dark green colour.

10. Application DM/2020/01328 - Construction of 2 semi-detached 2-bedroom houses in the garden of no. 73 Park Road, Caldicot. 73 Park Road, Caldicot, NP26 4EL

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

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

- The infill development will be able to use the land efficiently and enable easy access to existing amenities by means of walking, cycling etc. reducing the need to use private vehicles.
- The properties will be DDA compliant.

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- The site is not a back land site.
- It was not feasible to extend the main property into a terrace because by having a physical interconnection it would have meant the access problems and the creation for the current planned property through an alleyway with its associated legal rights of ownership of the space created. Hence, the demolition of the outhouse and the plan to form a shared pathway on that side.
- This proposal complies with Supplementary Planning Guidance (SPG) relating to small scale infill development with fewer than 10 dwellings as defined in policies H1, H2, H3 of the Local Development Plan.
- The existing landscape features and views across the site support this and is in keeping with the surrounding area.
- The land is large enough to accommodate additional houses and also on site planning. The garden space will be similar to existing houses in the area.
- The proposed dwellings will benefit from private garden space for the occupiers' recreational use.
- The proposed development will be in keeping with the building line of other properties.
- Materials used will be in keeping with the original and neighbouring dwellings. Roofing will match existing dwellings and will complement the street scene.
- The aspect of the new houses will not affect the privacy of neighbours as there will be no windows at either end of the gables.
- SPG suggests that it is desirable to have a 50 metre space between principle elevations. There will be a 13 metre space in this case. There is a mitigating factor for the 13 metre space as there is a large detached garage at the property nearby which will shield potential intrusive aspects.
- There are numerous examples across Caldicot where the desired 50 metre space has been relaxed, with the distance being five metres in some circumstances.
- The proposal addresses all of the SPG requirements.
- The local Member supports approval of the application and asked the Planning Committee to consider the mitigating circumstances with regard to the 13 metre space and consider approval of the application.

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

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- The Development Management Area Team Manager informed the Committee that the proposed dwellings are not affordable units. The properties are market units.
- The properties are impractical. There is not enough room either side of each property. The site would be better suited to having just one property located on this site.
- The frontage would be dominated by parked cars.
- Approval of the application would result in overdevelopment of the site.
- Some members agreed with the views expressed by the local Member as it was considered that there was enough room on the site to build two detached properties. There is no overlooking of other properties.

The local Member summed up as follows:

- Planning Officer concerns had only been expressed regarding the distance between 1 Elm Road and the proposed properties. The local Member asked for the mitigating circumstances in terms of the distance between the property and 1 Elm Road. Far denser properties on spaces larger than this site had previously been approved by Planning Committee in Caldicot. The local Member therefore asked that the mitigating circumstances of 13 metres between the property and 1 Elm Road be taken into account.

It was proposed by County Councillor A. Davies and seconded by County Councillor G. Howard that application DM/2020/01328 be refused for one reason outlined in the report (as per the officer recommendation in the report).

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

For refusal	-	10
Against refusal	-	3
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01328 be refused for one reason outlined in the report (as per the officer recommendation in the report).

11. **Application DM/2020/01517 - To convert an equity share of one of the affordable units to a financial contribution. Swan Meadow, Monmouth Road, Abergavenny, NP7 5HF**

We considered the report of the application which was recommended for approval with an amendment to the Deed of Variation to the original Section 106 Agreement.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee

Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

In June 2014 planning permission DC/2013/00304 was approved by the Planning Committee for the construction of 38 no. retirement apartments. That approval was subject to a Section 106 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 has been unsuccessful. 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.

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

- The value of the apartment in the sum of £229,950 was queried. In response, the Head of Planning informed the Committee that the value of the property comes from two local agents. The property has been marketed as a two bedroomed property at the golden share price. The financial contribution obtained will go back into the affordable housing stock.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Clarke that application DM/2020/01517 be approved with an amendment to the Deed of Variation to the original Section 106 Agreement.

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

For approval	-	11
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01517 be approved with an amendment to the Deed of Variation to the original Section 106 Agreement.

12. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

12.1. Pwllmeyric Lodge, Badgers Meadow, Pwllmeyric

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Pwllmeyric Lodge, Badgers Meadow, Pwllmeyric on 19th October 2020.

We noted that the appeal had been dismissed.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

12.2. Worthybrook Farm, Wonastow, Monmouth

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Worthybrook Farm, Wonastow, Monmouth on 19th October 2020.

We noted that the appeal had been dismissed.

12.3. Worthybrook Farm, Wonastow, Monmouth - Costs Decision

We received the Planning Inspectorate report which related to a cost application in relation to Appeal Ref: APP/E6840/A/20/3257266. Site address: Worthybrook Farm, Wonastow, Monmouth.

We noted that the application for an award of costs had been refused.

The meeting ended at 5.38 pm.

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Application Number: DM/2018/00834

Proposal: Proposed 100% affordable residential development (12 no. dwellings) with associated public open space, landscaping and highway infrastructure and other ancillary works and activities

Address: Land West Of Glebe Cottage, Llantilio Pertholey, Monmouthshire

Applicant: Mr Jason Richards

Plans: Location Plan AL.0.01 - , Site Plan 1621 - 101 - Rev H, Ecology Report Recommendations and Mitigation Measures of the Extended Phase One Ecology Survey (October 2018) - Ecological Services Ltd., Green Infrastructure Appraisal 2470.01 - Rev A, Site Sections 1621 - 102 Section AA - Rev A, All Proposed Plans 1621 - 202 - Rev B, All Proposed Plans 1621 - 201 - Rev B, Elevations - Proposed 1621 - 301 - 1 bed elevations, Floor Plans - Proposed 1621 - 300 - 1 bed floor plans, Drainage FCA VD 18680 - , Green Infrastructure Appraisal GI Plan revised 13.10.20 - , GI Masterplan GI Management Statement Rev 13.10.20 - , Landscape Visual Impact Assessment LVA Final Rev 13.10.20 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 06.11.2018

This application is presented to Planning Committee as it is a departure from the Local Development Plan. There are also five or more objections

1.0 APPLICATION DETAILS

1.1 Site Description

1.1.1 The application site, which covers an area of approximately 1.14 hectares (2.815 acres), is located to the east of Hereford Road in Llantilio Pertholey on the northern edge of Abergavenny. The site is currently grassland which slopes eastwards from Hereford Road down to the River Gavenny, which forms the site's eastern boundary.

1.1.2 The site consists of a grazed field bordered by hedgerow, where currently horses are kept. Mature, intact hedgerow surrounds the site, central portions of the site is comprised of mainly short grazed sward. Taller vegetation and trees/sections of woodland align the river corridor. The site is bound to the north by the minor road to Llantilio Pertholey Church and village with Hereford Road to the west).

1.1.3. The site is located outside but immediately adjacent to the settlement boundary of Abergavenny. There are no statutory designations affecting the site. However, the application site lies south of Brecon Beacons National Park (BBNP). The River Gavenny runs alongside the eastern site boundary and is designated as a Site of Importance for Nature Conservation (SINC) due to the riparian habitats it supports. The river flows in a southerly direction for approximately four miles to its confluence with the River Usk at Abergavenny. Trees border the eastern side of the application site, with the River Gavenny in close proximity. Further grassland and hedgerows are evident to the south of the site. To the north east of the site lies St. Teilo's Church which is Grade I listed.

1.2 Value Added

This is the fifth variation of development proposals for this site from the applicant. The new design is for 12 x 100% affordable dwellings built as 6 groups of semi-detached buildings set within levelled platforms within the site. 6 dwellings are parallel to the Hereford road and field hedge, 6 are off set, aligned with field boundary and set further into the field leading to the south of the site.

The original proposal was for 14 dwellings (5 affordable) and included a retaining wall running along the length of the service road varying between 1m and 3.5metres in height. This was replaced by a scheme to reducing the number of residential dwellings to be constructed on the site from 14 units to a total of 5 units. The amended scheme removed the requirement for retaining walls.

1.3 Proposal Description

The application seeks permission for 12 affordable dwellings comprising the following:

- 6 x 4 person 2 bedroom house
- 6 x 5 person 3 bedroom house

A new pumping station will also be required to connect the foul drainage to the existing mains sewer. A new access is proposed by way of a simple priority junction from Hereford Road with visibility splays of 2.4m by 90m in both directions.

In terms of landscaping, ecology and green infrastructure the main proposals for the development are as follows:

- * New planting and under-planting of native trees and shrubs is proposed to reinforce existing riverine vegetation and mitigate views of the site from St Teilo's Church. This planting will also enhance nature conservation opportunities.
- * Sowing of a species rich wild flower meadow mix, which includes pollinators, will enhance nature conservation opportunities.
- * Retention of existing perimeter hedgerow which is an important wildlife corridor with potential for dormice, largely intact and bringing it into active management to enhance its potential in this respect.
- * Planting of new native hedgerows to create new wildlife corridors.
- * Provision of 10 bird boxes within the development site.
- * Provision of bat loft in the pump house.
- * New path to connect the site with the wider public rights of way network.
- * New planting of native trees and shrubs to reinforce tree corridor.
- * Management of the riverine vegetation alongside the River Gavenny to respect its importance as a commuting and foraging route for bats and otters.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00834	Proposed 100% affordable residential development (14 no. dwellings) with associated public open space, landscaping and highway infrastructure and other ancillary works and activities.	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
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
LC2 LDP Blaenavon Industrial Landscape World Heritage Site
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure
MV1 LDP Proposed Developments and Highway Considerations
SD4 LDP Sustainable Drainage
H7 LDP Affordable Housing Rural Exceptions
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llantilio Pertholey Community Council - Recommend refusal. The site is unsuitable for residential development and would involve an unwanted increase in traffic; access to the site appears to involve danger to pedestrians and road users; the development would involve an intrusion on the environment and the church at St Teilo's which is adjacent to the land in question.

The site has many springs that would make it liable to flooding, that the access and egress are on a slope and too close to the busy Hereford Road, which is already congested, that the land generally is unstable and unsuitable for development, and on the basis of the danger to wildlife.

Dwr Cymru- Welsh Water - We can accept foul water only flows from the proposed development site into the public sewerage network.

Natural Resources Wales - No Objections.

Protected Species: We do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its

natural range, provided the conditions are included on any permission your authority is minded to grant (see below).

Flooding: We note from the FCA and the submitted Proposed Site Plan, dated 22.06.20, DWG No: 1621 - 101, Rev D, that it is proposed to steer all development outside of DAM Zone C2. The low lying ground in the east of the development has been designated as public open space and a play area. If there is any further change to the proposed layout, our advice to your Authority may change. The FCA indicates the built area is being raised above existing ground levels and bounded by a 'high wall' (Section 5). Ground raising within Zone C2 is not indicated.

NRW Response to Habitats Regulations Assessment consultation - We support the conclusion of the HRA Record. We consider the proposal is not likely to have a significant effect on the River Usk SAC subject to the imposition of the conditions proposed in the HRA Record.

The proposed development site is located within 3km of the River Usk Special Area of Conservation (SAC). Water quality is key to ensuring the health of the River Usk SAC and its features. The River Gavenny, a tributary of the River Usk SAC, runs through the proposed development site. The River Gavenny is not achieving Good Ecological Status under the Water Framework Directive, due to failing water quality and migratory fish populations. The River Gavenny is also within a Drinking Water Protected Area.

Cadw - No objections. Intervening topography prevents the application site being inter-visible from any of the surrounding Scheduled Ancient Monuments and registered parks and gardens with the exception of Remains of St Michael's Chapel and Skirrid Fawr Defended Enclosure. The monument comprises the remains of a small medieval chapel situated within a large prehistoric hillfort, both surmounting an isolated and mountainous ridge. The hillfort commanded extensive views of the surroundings and as a centre of power will have held a significant focus in the landscape.

The proposed residential development is located c 2.5km to the south west. Locally, it will be partially screened by trees along the Gavenny River and set close to the existing and much larger residential development of the village of Llantilio Pertholey.

Glamorgan Gwent Archaeological Trust - Holding objection. Information in the Historic Record shows that the proposed application is located close to the west of the Church of St Teilo's. Other archaeological sites nearby include a Post-medieval bridge adjoining the north-eastern boundary and a Post-medieval building situated within the adjoining field to the south of the proposed development.

We note the submission of an Archaeological Desk-based assessment which discussed the possibility of buried archaeological remains associated with the 19th Century Llanvihangel Tramroad but does not detail any mitigation nor record the new site identified which is required to update the Historic Record. We have not yet received revised reports and consequently we recommend that the application is deferred until we have received updated documents.

MCC Heritage - The reduction in units is welcomed as this reduces the bulk and mass of the units, reducing their dominance and proving more opportunity for views to be maintained through the site to St Teilo's. The incorporation of chimneys is again welcomed to help break up the ridge line as is the variation in heights as this reduces the terrace effect. It would be preferable however to see some variation in the external design of the units, all along the same palette, but to provide some visual interest and less uniformity. I would also be preferable to see chimneys to the end of properties rather than in the middle.

I note the comments from the landscape officer and would agree with the comments in relation to GI. The integration of the development will be heavily dependent on the GI strategy in order to soften the development and maintain a semi-rural feel to the setting of the Church.

Whilst the development of a number of units on the site was initially resisted, it is considered that the reduction in number and the maintenance of key views to the church preserves the setting of the listed building and it is not considered to be so detrimental to warrant refusal.

MCC Landscape/GI - No objection to the objection to the proposal from a landscape and GI perspective based on the amended information provided.

MCC Ecology - No objection in principle subject to conditions. Habitats Regulations Assessment submitted to NRW (awaiting response at the time of preparing this report).

Matters relating to water chemistry (foul water) were screened out at the Test of likely significant effect stage, all other matters were considered as part of the Appropriate Assessment due to potential for residual effects and the necessity for mitigating measures.

Information relating to Lighting (both construction and operational), Construction Methods (CEMP), Water Quality Monitoring (WQMP), Surface Water Drainage Schemes and GI management plans will be required as a condition of the consent to address potential residual impacts as identified in the Test of likely significant effect.

Whilst the extent of landscape buffer planting has been improved in the recent plan submission, it is noted that there are still outstanding issues from a landscape perspective, therefore a final landscape plan which provides the details of an acceptable landscape buffer planting scheme will also need to be secured by condition.

Subject to the imposition and incorporation of the additional mitigation measures listed, via appropriately worded planning conditions, and the subsequent enforcement and monitoring of implementation of these conditions. It is concluded that the above hazards associated with the project will not adversely affect the integrity of the River Usk SAC.

MCC Planning Policy - No objection. It is considered that in light of the proposal providing much needed affordable housing within an area of significant need and the site being in a sustainable location in that it immediately adjoins Abergavenny's settlement boundary, the proposal for 100% affordable housing can be considered favourably as an 'affordable housing exception site' as supported under para 4.2.34 of PPW 10 (2018), providing detailed planning considerations relating to settlement form, landscape and access can be satisfactorily addressed.

MCC Highways - No objection to 12 dwellings (100% affordable). The highway authority would not object to the layout with 2 units served off the prospectively adoptable highway (subject to meeting adoption standards) and the principle of 10 units being served by 2 separate private drives, a maximum of 5 units per drive.

MCC SAB - Application submitted prior to the need for SAB approval. However, we need to condition that there is no raising of ground levels within the flood extents on the site so as to not increase the risk of flooding on or off the site through altering the flood plain. Please include a condition requiring a surface water drainage plan prior to commencement of development.

MCC Tree Officer - No objections. There are trees running alongside the watercourse to the east of the proposed development which comprise mainly Alder species, many of which are protected by tree preservation order. Also there is a good quality mixed species native hedgerow along the western and northern boundaries. The impact on trees and hedges would appear to be low due to only one tree being proposed for removal, plus a 20 metre section of hedge to facilitate the access. Furthermore, it is good to see that the dwellings will be sited away from the tree line to the east. The Arboricultural Report by ArbTS dated 22nd March 2018 is satisfactory and will form the basis of tree protection conditions requested. (See end of report)

MCC Environmental Health - No objection. We can confirm that as the mitigation is applied across the scheme the changes to the layout won't affect the noise control measures. As such we would advise the noise control measures applied in our report are followed for all plots and all facades. With these measures being applied the BS8233:2014 noise limits can be met.

Network Rail - Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we

have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. (Note to Applicant).

SEWBRc Search Results - Records of bats, Great Crested newts, otters and dormice in the vicinity of the site identified.

5.2 Neighbour Notification

31 households made representations objecting to the application:

Visual Impact

- * Any further development will permanently erode the rural character of Llantilio Pertholey. It is unacceptable to think of a modern housing estate being built on the banks of the Gavenny River right next to Saint Teilo's Church, a Grade 1 listed building.
- * The proposed development cannot help but form a screen between road and Church thus impeding the views.
- * The proposed planting will only afford some screening during Spring and Summer and even after the trees reach maturity, very little cover for at least 5 months of the year.
- * Llantilio Pertholey which currently comprises of all stone properties. This historic sympathetic vernacular is being lost and swamped with red brick, plastic windows, composite roofs and little / poor landscaping to go with it.

Affect local ecology

- * The field and churchyard are home to a fantastic array of wildlife including common and greater spotted woodpeckers, dormice, voles and field mice as well as native brown trout and common eels in the Gavenny. Even otters have been spotted here as well as kingfishers which can be regularly spotted from the churchyard on the banks of the river. Greater crested newts are also to be found in the vicinity.
- * Under the Countryside Act 1981 and the Environment Act (Wales) 2016, this area must be protected and this proposal rejected.
- * This development really endangers one of the only remaining green corridors along the River Gavenny and both further up river and down.
- * We are disappointed to read the comments from MCC Biodiversity Officer regarding Otters at this site: We feel that the close proximity to a breeding population, the habitat and evidence of Otters using the area, that it is extremely likely there will be a holt or couch in the area. (I am also a ecologist specialising in Otters, and am county recorder and hold a NRW personnel Otter license).

Inadequate access

- * The proposed access would create an inappropriate and unnecessary additional conflict point for vehicles and pedestrians using Hereford Road, consequently creating a situation detrimental to highway safety.

Inadequate public transport provisions

- * There are significant problems with inadequate car parking for rail commuters.

Increase in traffic

- * This area is already undergoing significant development and will place strain on the local roads.
- * This rural community, popular with walkers, cyclists, dog walkers and horse riders, all of whom regularly use School Lane, will be at risk from the increased traffic that will result from any further development.
- * The roads through the Mardy are already heavily congested, with on road parking creating a further hazard.
- * There is a continuous stream of HGV timber lorries adding to the environmental impact on a previous rural community.

Increase in pollution

- * Concerned that there is a greater chance of river pollution by road run-off and sewer discharge.

* Increased air pollution resulting from the greatly increased traffic in the area. This development will be sited at the bottom of a valley where the air quality will be greatly affected.

Increase in flooding

* Welsh Water had previously raised concerns over the run-off into the River Gavenny in the area, which have proved to be correct. During last winter many straw bales were strategically placed along its banks, to try to slow the surface water flow from the Willow Court development opposite. Storage tanks, installed on this site to control the flow, had to be frequently pumped out and the excess water removed by tractors towing water tanks.

Over development

* We think it prudent to wait until Willow Court is fully occupied and in use, to assess the impact it has had, and then to decide whether this housing development will further threaten the Church, wildlife and tranquillity.

Strain on existing community facilities/ over development

* Following the huge Willow Court development, surely it is unfair and ill advised to force any more development on residents living in this rural area.

* This town is now seriously suffering from over-development particularly to the north (Llantilio Pertholey) and in Llanfoist. MCC need to consider people living in the areas have suffered enough development and look elsewhere.

* We need to protect what is left of the green field sites on the edge of town.

* Few local facilities.

* Lack of school places.

* No doctor's surgery.

Other

* Would like to remind Monmouthshire Council Planning Department that the Council have declared a "climate emergency" and that this should not mean the council can choose when to ignore this emergency when it suits them. Building on green spaces whilst declaring a climate emergency is beyond comprehension, particularly when considering the ecological devastation caused by the nearby Willow Court development.

* In light of the current Covid Pandemic, and what is certain to result in a change in people's working and shopping habits, we are likely to see an increase in the number of redundant retail premises and office space in urban locations. Would it not make more sense to repurpose all these buildings to provide homes and work space within the urban areas, with the necessary infrastructure and services in place, and close to existing amenities, rather than destroy another green field in the country?

* Attaching the label "100% affordable" to the revised plans to build 12 dwellings at this location, does not mitigate the inherent problem of the site being totally unsuitable for development.

* During the recent Covid crisis, people have come to appreciate even more the need to protect such green spaces with its abundant wildlife and much has been said about the great benefits to mental health and wellbeing. Such buffer zones must be maintained between developments, to prevent urban sprawl.

* Since the construction of The Willow Court Development, there has been a huge noise impact with large and heavy goods vehicles back and forth the site. It seems unreasonable for this development to go ahead and all the disruption that it will inevitably bring, as we have already witnessed in the area.

* Cynical development to take advantage of the new housing estate that has already been built.

* Additional noise and disturbance to local residents during construction works.

5.3 Other Representations

Abergavenny and District Civic Society - Objection.

Site not allocated within the LDP.

There is no need for further provision of housing in the area.

Negative impact on the setting of St Teilo's Church. The applicant's Heritage Impact Assessment recognises this but maintains that a mitigation planting scheme will reduce it to 'moderate to slight'.

We feel this underestimates the impact both until the planting is established and during the winter months when the trees lack leaves.

The open field provides a visual buffer between the new development (Deri Farm) and the ancient church and hamlet.

A layout with the majority of houses facing the river and church would add something to the overall sense of place of the hamlet rather than appear to be an extension of the Deri Farm estate.

Since our letter of 17 June 2018 the current consultation on the Replacement Local Development has shown that about 944 more homes might be provided in the Abergavenny/Llanfoist area without the need to allocate more housing sites. This adds weight to the first part of our objection. We also note that the site has also been put forward as a candidate for inclusion in the new plan, which is now the appropriate process for determining the matter.

SORE (Save Our Rural Environment) - Objection.

This land is a greenfield site with SINC status. It is a natural habitat and home to many diverse, rare and protected species. At present the land surrounding St. Teilo's Church is rich in biodiversity and home to common lizards, slow worms, grass snakes, newts, kingfishers, red kites, buzzards and owls, many rare species of bat and in the Gavenny itself there are brown trout and otters. The hedgerows surrounding the field are also vital habitat and important for nesting birds, hedgehogs and bats. Habitat loss is a serious issue in the UK today and this land must be protected. The Gavenny valley forms a vital wildlife corridor into the heart of our town. A recent report has emphasised the ecological importance of this wildlife corridor, together with the concerns of the Ecology Officers from various agencies. The Gavenny has already been polluted on many occasions by the Persimmon development, this causing a devastating effect on the rural environment. It is only during lockdown that the Gavenny had had a chance to recover. Further pollution is likely with any such development at the Glebe field site.

Regarding the proximity of this modern development to the church of St. Teilo's, it surely seems unthinkable to build a modern housing development next to a Grade 1 listed building of great antiquity, on the banks of the Gavenny in what is still a rural hamlet that has remained relatively unchanged for centuries. These concerns have already been raised by Monmouthshire Heritage, CADW and the Abergavenny and District Civic Society.

With the ongoing construction of Willow Court we have seen a serious increase in traffic on the Hereford Road, increasing congestion on what was already a busy road. This has pushed traffic onto Old School Lane which runs through the hamlet of Llantilio Pertholey. Old School Lane was never intended for major vehicular use; it is used mainly by farm vehicles and occasionally horse riders and is very popular with cyclists, dog walkers and joggers. Any further increase in traffic here will almost certainly result in a serious accident at some point.

The increase in hundreds of daily lorry movements of bringing in thousands of tons of materials and the removal of thousands of tons of soil is causing a greater increase in local pollution and a greater impact on the environment. This area is the beginning of the countryside, a greenbelt of natural habitat bordering the Brecon Beacons National Park; it must be protected, now and for future generations. We therefore urge the Planning Committee to reject this proposal.

5.4 Local Member Representations

Cllr Lane - This would be a further interference with the local habitat and ecological importance of this area around the river Gavenny. One of the local residents of this community has stated that amongst other wild animals, otters have been seen in the river. The infrastructure is already under great pressure with the 250 house development of Persimmon and so on the other side of the road a further development at the Glebe land would add to an existing problem with excess traffic.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The site is located outside the Abergavenny Development Boundary in an area considered as open countryside, its redevelopment for a residential use would be contrary to Strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision. However, overarching National Policy in PPW 10 (2018) Para 4.2.25 advocates that 'a communities need for affordable housing is a material planning consideration... which must be taken into account when determining relevant planning applications' Para 4.2.34 further states that ' the provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community . Where such policies are considered appropriate it should be made clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision..... The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged. Affordable housing exception sites are not appropriate for market housing.'

There is clear policy support therefore under National Planning Policy for small affordable housing exception sites in areas adjoining sustainable locations where there is an identified need.

There is also local policy support for 100% affordable housing exception sites under Monmouthshire's adopted LDP Policy H7 'Affordable Housing Rural Exception Policy' which states ' favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements (RSS), Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development'

In this case, the proposed site is just outside the development boundary of Abergavenny, which is a Main Town identified within Policy S1 of the LDP. Although strictly speaking the site is not adjacent to a RSS, Main village or minor village boundary, it is considered that the principle is the same in that the site (which is in open countryside/a rural area) abuts a settlement boundary of a sustainable settlement. There is a significant need for affordable housing in Abergavenny and this site would assist in meeting this need by providing a 100% affordable housing scheme.

Policy H7 also provides a number of detailed criteria that must be met. Criterion (a) relates to the scheme meeting genuine local need, and in this case, the Local Housing Market Assessment (LHMA) has identified a significant need in the Abergavenny area. MCC's Housing Strategy Officer has confirmed this local need.

Criterion (b) requires adequate arrangement to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers - this can be addressed with a planning obligation.

Criterion (c) relates to detailed planning considerations relating to settlement form, landscape and access.

The Council's Annual Monitoring Report (AMR) for the LDP which covers the period 1st April 2019 to 31st March 2020 has identified that the total number of affordable dwelling completions recorded over the six years of the Plan's adoption (424) remains below the required delivery. The target for the provision of affordable housing in the LDP is 960, so in the 9 years since the start of the Plan the plan should have delivered 864 affordable dwellings. In total 587 have been delivered, so a shortfall of 277 since the beginning of the Plan period. In Abergavenny since 2011 we have recorded 353 completions of which 103 were affordable. There is clearly a need for affordable housing provision within Monmouthshire and this site would contribute towards reducing this shortfall in affordable housing provision. This proposal provides a 100% affordable housing scheme in a sustainable location that would benefit people in need of this type of housing. It is considered that this site could be considered an exception given the type of housing that is being proposed. The principle of allowing this type of exception is considered to be acceptable subject to all other material planning considerations being fully considered and acceptable.

The site is located in close proximity to the Brecon Beacons National Park, Policy LC3 must therefore be considered. Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment and Policy LC5 relating to the protection and enhancement of landscape character must also be considered. Additionally Policy G11 should be referred to in relation to Green Infrastructure. Part of the site is designated as a SINC (part of the River Gavenny SINC), Policy NE1 relating to Nature Conservation and Development therefore applies.

Part of the site is located in Zone C2 floodplain, however it is noted the dwellings are located outside the Zone C2 floodplain. Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. It is noted a Flood Consequences Assessment has been submitted with the application.

The site is located adjacent to St Teilo's Church a Grade I Listed Building. As there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design is considered along with Chapter 6 of Planning Policy Wales relating to Conserving the Historic Environment and TAN24: The Historic Environment. It is important to ensure DES1 in relation to General Design, Policy EP1 relating to Amenity and Environmental Protection and Strategic Policy S17 relating to Place Making and Design are considered.

Policy MV1 regarding access and car parking and Policy MV2 relating to highway considerations and sustainable transport access are also of relevance.

6.1.2 Good Design/ Place making

PPW10 advises that; *“Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area”.*

Placemaking principles link design to the following other aspects of development:

- Maximising environmental protection and limiting environmental impact.
- Facilitating accessible and healthy environments.
- Makes best use of natural resources.
- Growing our economy in a sustainable manner.
- Creating and sustaining communities.

The key opportunities in terms of the design and placemaking of the proposed scheme are considered to be enhancing existing non-statutory designations and landscaping areas, reinstating boundaries where they have been poorly maintained, and introducing new public open space to the development and local area. The constraints of the site include the existing site topography and existing site levels, the proximity to the nearby listed building and scheduled monuments, and the flood zone area which lies outside the developable area.

Due to the constrained site topography and levels, in order to sit comfortably, the road layout is geared towards the west of the site (closest to Hereford Road). New amenity provisions are provided in the form of public open space and recreational enhancements. Key to this is the proposed natural play space that will be provided to enhance the landscape and visual appearance of the site. Given the small number of new homes proposed and the overall site area, the density of this development is considered low.

The site is not visually prominent, being set down low on the valley floor, small scale and enclosed by substantial mature field boundary and hedge cover. The majority of which is to be retained. The proposed dwellings will be orientated facing inwards towards the church and river. This is in

order to secure the retention of the majority of the existing hedgerow boundary adjacent to Hereford Road. The hedgerow and a buffer area will be outside the ownership or access of any occupiers to ensure that it is managed in accordance with an agreed Green Infrastructure Management Plan. The proposed development will be visually separated from St Teilo's Church due to the topography of the site and the existing band of mature trees adjacent to the river.

The proposed houses will be two storey which is considered to be sympathetic to the nearby listed building, local heritage and local character. Materials are to be traditional and natural where appropriate comprising rendered walls with natural timber cladding above and natural slate roofs. Solar PV panels are proposed on the western roof planes (facing away from the road). The houses are considered to be modern in their architectural style but the use of high quality traditional materials will ensure that the new development blends into the surrounding area which is semi-rural in character. The proposed layout of two small cul-de-sacs served by a single access including public open space will encourage activity and interaction between occupiers and with the surrounding communities and facilities, most notably with the Deri Farm residential development currently under construction which is situated to the west of the subject site.

The agriculturally improved grazing field, comprising the bulk of site, is only of limited ecological value. The boundary hedgerows do have some value and are to be retained in the housing layout, with only minor loss required to create the access. The riparian woodland will be retained and reinforced and all of the existing landscape features will be provided with sustainable long-term management. The site has also been designed to comply with SuDS standards.

The amended scheme with reduced density from 14 to 12 dwellings, additional architectural details to the elevations and ridgelines of the proposed dwellings, varied ridgeline heights, reinforced boundary treatments to the western corridor and the provision of a wild play / POS are all positive amendments. Retaining captured views of the church and landscape setting is welcomed.

It is considered that the proposed development is in keeping with the area in terms of scale and form and will not adversely affect the character and appearance of the area. The proposal is therefore considered to be in accordance with LDP Policy DES1.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The proposed application site is not within close proximity of any existing neighbouring dwellings and therefore lack of privacy is not an issue. Within the site itself, the linear pattern of the development will prevent overlooking between dwellings but will allow natural surveillance of parking and garden areas to help prevent crime and anti-social behaviour.

The scale of the proposed development and the potential traffic generated is considered to be low and therefore the proposed development will have a minimal impact on air quality in the area. Similarly it is unlikely that the site will create additional noise and disturbance to local residents beyond the construction phase.

It is considered that the proposed development will not harm local residential amenity and the application therefore accords with LDP Policy EP1.

6.2 Active and Social Places

6.2.1 Sustainable transport issues

The local area is served by good quality pedestrian routes through informal footways surrounding the western side of the site. Hereford Road provides the main pedestrian route with lit footways (of sufficient width and in a good state of repair) on one side of Hereford Road closest to the site. Cycle link NCN42 which abuts the northern boundary does not form part of the National Cycle Network, but does however connect to Route 46 which forms part of the National Route 46 of the National Cycle Network, which will connect to Neath when complete.

There are regular bus services along the Hereford Road and bus stops in easy walking distance of the site. The nearest rail station is Abergavenny train station, which is 2.5 miles from the application site. Abergavenny station provides frequent direct services to Carmarthen, Cardiff Central, Manchester Piccadilly, Holyhead and Shrewsbury.

On this basis the site rates highly on the PPW10 Sustainable Transport Hierarchy.

6.2.2 Access / Highway Safety

A new access is proposed by way of a simple priority junction from Hereford Road with visibility splays of 2.4m by 90m in both directions. This is acceptable as it is in accordance with current national standards for roads subject to 30mph speed limits. An adoptable stretch of road and turning area will serve 5 dwellings linking to two private access roads either side serving the remainder of the units (5 to one side and 4 to the other). The private roads will be maintained by the Housing Association.

It has been assessed that the proposed development could generate up to 7 vehicle-movements (two-way) in the AM peak periods and up to 8 vehicle movements (two way) during PM peak periods, which equates to less than 1 vehicle movement (two-way) every 8 minutes. As such, it is considered that the proposed development will have a marginal impact on the local highway network during AM and PM peak hour periods or throughout the course of the day.

The proposed site layout also proposes pedestrian access points to maximise the permeability of the site with the existing housing further down Hereford Road and the Deri Farm housing development proposed opposite the application site.

The highway authority does not object to the proposed development. The proposal would not lead to a deterioration in highway safety or capacity and is located in what can be considered a reasonably sustainable location. The highway authority encourage the adoption of the main access road.

On this basis, the proposed development is considered to meet the requirements of LDP Policy MV1.

6.2.3 Recreational Spaces

Open space is proposed throughout the site, of most relevance is the proposed natural open space to the northern part of the site that takes advantage of the relatively flat ground. Furthermore, there will be a footpath through the site which can be used by the public so there would be no issue with them using any of the land lower down from the houses for informal recreation. This is the species rich meadow as per the site plan.

6.3 Productive and Enterprising Places

6.3.1 Social and Economic Benefits

The proposal will provide 12 (100%) affordable homes that will contribute positively to Abergavenny's housing stock.

The preparation of the site and the construction of new housing will also bring some economic benefit to the area. Housing construction is known to support more jobs than investment in many other sectors of the economy because of the amount of economic activity that is connected to it (in the supply chain). Housing development therefore provides an important economic function by:

- Creating jobs which can be local, varied, skilled and durable;
- Providing for a variety of direct (on site), indirect and induced employment opportunities;
- Providing a major source of vocational training and education; and
- Increasing housing supply and improving housing affordability.

The proposal would therefore have a good level of economic benefit.

6.3.2 The Welsh Language

The site has access to Welsh medium (e.g. Ysgol Gymraeg Y Fenni) and English medium schools (e.g. Llantilio Pertholey School) where the Welsh language will be taught. The children of occupants of the development could attend the existing schools, thereby boosting the opportunity for Welsh speakers in the area which will help to achieve the Welsh Government's goal of reaching a million Welsh Speakers by 2050.

6.4 **Distinctive & Natural Places**

6.4.1 Landscape/ Visual Impact

A landscape and visual appraisal supports this application and has been prepared in accordance with guidance set by the Landscape Institute and the Institute of Management and Environmental Assessment.

The site is not visually prominent in the wider landscape, due to its setting down low on the valley floor, its small scale and it being enclosed by substantial mature field boundary hedgerows and tree cover. In the areas where the development will be seen, this will mostly be in conjunction with the recently consented Deri Farm residential development and therefore it is considered that there will only be minor and local effects on landscape character arising from the development. The protection, retention and enhancement of boundary hedgerows and woodland edges is an important feature of the landscape and visual mitigation. Furthermore, the proposed new planting will provide attractive and well-functioning external spaces for residents of the development.

The most sensitive to visual effects are the nearby residential receptors which will experience substantial residual effects, as will the individual properties of Cherry Cottages adjacent to the south western site boundary, and their garden curtilages and upper floor windows. It is noted that there will only be localised effects on road users of a short section of the Hereford Road, and there will be no impact on the wider road network in terms of visual effects.

In assessing residual effects, there are considered to be no substantial residual effects on the amenity of the users of the local footpath network and Designated Access Land. There would however be some residual effects on views of St. Teilo's Church which can be seen from Hereford Road. The landscape and visual appraisal concludes that there will be no substantial effects on the BBNP at any stage of the development, and therefore it is concluded that the development proposals complies with landscape policies at national, regional and local planning level and the proposed development would be acceptable in landscape and visual terms.

Tree planting between the hedge to the highway corridor and plot boundaries would be positive, however additional tree planting using an appropriate species selection that helps to reduce impact of proposed ridgelines as well as retaining captured views of church and landscape setting should be added. This can be secured via a landscaping condition should Members be minded to approve the application.

Concern has also been raised that the landscape character setting and context of the listed church will be compromised by the proposal as viewed from Ty Gwyn road and the approach to Abergavenny on the Hereford Road. Policy S13 (Landscape, Green Infrastructure and the Natural Environment) states that development proposals must respect and conserve specific landscape features such as hedges, trees and ponds and protect existing key landscape views and vistas. Additionally Policy DES1 (General Design Considerations) also states that development proposals will be required to take into account landscaping and where appropriate retain exiting trees and hedgerows.

A survey (and tree constraints plan) of the site has been undertaken by Arboriculture Association in support of the application. The majority of trees on site are either category B or C (moderate-

desirable for retention) and (low-optional for retention) quality. The tree constraints plan shows the location of these trees, confirming that they will not hinder the development of the site.

Contained within the Arboricultural Impact Assessment (AIA) the following observations are made and assessed:

One small low quality alder tree is required to be removed to facilitate development; a small section of hedgerow is required to be removed to construct the access into the site; within Root Protection Areas (RPA), potential damage can be managed through the installation of temporary tree protective fencing, which will ensure that no significant long term adverse impact will occur to any of the retained trees' root system and any associated soil structure; hedgerow (TreeID#H1) will require profiling of the hedgerow by hedgerow pruning work, to give the necessary highway visibility splay. It is considered that this work will not cause a long-term impact to the health or amenity of this hedgerow.

The proposed development design retains all higher value trees (A and B category) that form part of the site whilst sustainably using it for residential development. The proposal will therefore not cause any long-term adverse impact to the local amenity of the area through tree/hedgerow loss or impact.

To mitigate any possible damage during construction, it is recommended that the installation of temporary tree protective fencing can assist in protecting against any potential damage to any RPAs. This requirement could be conditioned should Members be minded to approve the application.

6.4.2 Historic Environment

In close proximity to the site is the Grade I Listed Church of St. Teilo, a Grade II Listed Memorial Cross, and a Grade II Listed Double Chest Tomb. The Church and the two listed structures in the cemetery appear fairly contained given the screening offered by mature trees. Mitre Cottages front onto the unnamed road, and feature opposite the Church of St. Teilo.

It is considered that the contained nature of the site and its distance from the heritage assets ensure that there will be no detrimental impact to the setting of the Church and structures if the development of the site for housing was approved.

As noted by the Council's Heritage Manager, the amended scheme now maintains key views to the church and preserves the setting of that listed building. The scheme is considered acceptable in relation to heritage impacts.

6.4.3 Green Infrastructure

As much of the existing hedgerows as possible is to be retained and it is proposed that the boundaries on the site as a whole are to be brought into active management. More space may be required between garden fences and boundary hedges to allow access and effective maintenance especially where banking is involved although all hedgerows and strategic landscaping will remain outside of private ownership as identified on GI plan ref 2470.01 Rev D.

There is currently little information regarding streetscape landscaping such as shrubs and street trees that can add additional biodiversity value, act as rainwater gardens etc. and so further detail is required in a subsequent landscape plan that can be provided via a condition. A condition requiring a Green Infrastructure Management Plan will also secure positive GI assets to integrate the scheme into its semi-rural setting.

6.4.4 Biodiversity

An ecological consultant was appointed by the applicant to undertake a combination of desk-based consultation and an extended Phase I Habitat Survey in support of this application. The report confirms that the construction works are proposed to mainly impact on the central sections

of the site, consisting of semi-improved grassland and tall ruderal habitats. The retention of as much hedgerow and riparian habitat for wildlife and future management to enhance remaining habitat for wildlife is part of the landscape/GI plan. The additional hedgerow and tree planting will benefit wildlife in the area where linear habitat is required to be removed from the landscape prior to works being commenced on site.

It is identified that as part of any development works on site, there may be potential for development to impact upon bats, otters, dormice, great crested newts (and common amphibians), nesting birds and potentially reptiles. For this reason, the extended Phase 1 survey makes recommendations including additional targeted surveys that may need to be undertaken (at the right time depending on the optimum survey season) together with appropriate mitigation measures that need to be considered should Committee Members be minded to approve the application.

Throughout the site, the layout incorporates planting, hedgerows and landscaping to frontages. An ecological corridor will be established along the line of the footpath link and connected to the natural open space which is proposed.

Impact on the SINC:

The development site lies adjacent to the River Gavenny Site of importance for Nature Conservation. This is an important ecological corridor for a number of species and must be protected as such. The boundary of the SINC extends 7m into the eastern edge of the red line boundary, it is noted from the Proposed Site Plan (Rev H) that habitats within the SINC will be retained. Woodland planting to enhance existing as well as new woodland areas will be provided increasing the extent of the woodland corridor. A minimum of a 9m buffer of enhanced and new planting woodland habitat will be provided along the eastern boundary, where the river runs closest to the development (to the north of the site), followed by a grassland buffer and bank up to a new hedgerow boundary to the built form. The woodland buffer planting extends along the length of the river corridor and further woodland planting will be sought via condition to reduce landscape impacts, this will serve to further improve the protection of the river corridor from disturbance. As a priority habitat, LDP Policy NE1 is relevant and it is considered that the development proposals are compliant with that policy.

Impact on the SAC:

Whilst the extent of landscape buffer planting has been improved in the recent plan submission, it is noted that there are still outstanding issues from a landscape perspective, and therefore a final landscape plan which provides the details of an acceptable landscape buffer planting scheme will also need to be secured by condition. Subject to the imposition and incorporation of the additional mitigation measures listed via appropriately worded planning conditions, and the subsequent enforcement and monitoring of the implementation of these conditions, it is concluded that the impacts associated with the project will not adversely affect the integrity of the River Usk SAC. A Surface Water Drainage Scheme must be approved by the authority to ensure that run off into the Gavenny is managed appropriately, as per the requirements of the Council's Land Drainage team. Measures to ensure protection of the watercourse during construction must be secured in the form of a Construction Environmental Management Plan and a Water Quality Monitoring Plan; this serves also to protect the SAC as provided above.

Priority Habitat - Hedgerow

The hedgerow to the western boundary will need to be breached to allow access to the site and it is estimated that there will be a loss of a section of 17m. A landscape plan is required as a condition if consent is granted and would need to provide for the translocation of this section within the site. It is noted that there is approximately 230m of new hedgerow planting within the site which more than compensates for the loss and contributes to providing net benefit for biodiversity.

The management of the existing retained hedgerow has been secured outside of private ownership via gates allowing access to the nearside hedge for maintenance, which will need to be secured via the GI Management Plan.

Bats

Bat transect surveys were undertaken in July and October and found that pipistrelle (common and soprano) bat species were the highest recorded utilising the river corridor. Other bat species were also identified by survey work. The river corridor will need to be protected from light spill from the development; an appropriate lighting strategy that protects this area from increased light spill must be provided as a condition of the consent.

Trees were assessed for bat potential, it is noted that only one tree is proposed for removal and it is confirmed that this held no bat potential. The proposal includes the provision of bat mitigation within the loft of the proposed pump house building.

Great Crested Newt & Reptiles

Records of Great Crested newt have been identified 150m to the west and 300 m to the north of the development site. Searches were undertaken that found no great crested newts or reptiles on the site; with regards to amphibians, it is noted that this site is fairly isolated from breeding habitat and the records referenced. The site is considered to be suboptimal terrestrial habitat that has undergone disturbance through the development works to the south. The proposals include improvements to the grassland management and creation of hibernacula, it is also considered that as part of the SuDS scheme wet areas could be created providing aquatic habitats on site. Management and maintenance of these structures would need to form part of the GI Management Plan to be submitted as a condition of the consent, should Members be minded to approve the application.

Otter

The initial survey in 2017 found evidence of otter to the north (offsite) and south east, while further investigation in the following July found a lack of evidence. This could be linked to the works undertaken during this time, outside the southern boundary of the site, associated with the pylon removal from Deri Farm, or it could be attributed to a seasonal difference in the use of this area by otters. The Council's Biodiversity Officer is however, aware of otter records on the northern boundary of this site from 2018 and of recent anecdotal evidence.

The existing wooded riparian corridor will be retained in its entirety and enhanced by further planting so as to buffer the impacts of the development at the western boundary of the site. Appropriate controls during construction, secured long term management and lighting schemes can be secured by condition should Members be minded to approve the application.

Dormouse

Dormouse survey was undertaken in suitable habitats on site. It has been accepted by all parties that subject to the retention of the hedgerows on site and the woodland to the east, as evidenced in the GI and site plans (secured by condition) that concerns about dormice can be acceptably managed and that the favourable conservation status would not be compromised. The measures in the Ecology report (Section 7) and GI management statement with reference to opportunities to provide net benefit for biodiversity will need to be secured on plan and maintained via the agreed GI Management Plan.

The river corridor is particularly important for bat species and otter. As such a lighting plan to be secured via condition is recommended should Members be minded to approve the application. The levels of the site and the distance from the dwellings to the river reduces the level of impact; this along with an increase in buffer planting along this corridor will further minimise effects on the river corridor. It is also noted that the extent of adopted road is limited which will enable a bespoke approach to any lighting necessary on the private driveways.

6.4.5 Flooding

The Development and Flood Risk Map shows that land either side of the river is within Flood Zone C2 (areas of the floodplain without significant flood defence infrastructure), that there is a band of land to the west that is within Flood Zone B, and land closest to Hereford Road is Flood Zone A. It is recognised that development within Flood Zone C2 would be contrary to national planning policy, and therefore no development is proposed on this part of the site. The majority of the proposed developable area of the site is situated within Flood Zone B and therefore is not contrary

to national planning policy. Nevertheless, a Flood Risk Assessment for the site has been prepared to support the proposal which NRW have reviewed. This confirms that it is proposed to steer all development outside of DAM Zone C2. The low lying ground in the east of the site has been designated as public open space and a play area. The FCA also indicates that there will be some ground levelling within the built area. However, there is to be no ground raising within Zone C2 which will be left as open space. On this basis the application meets the requirements of TAN15 and LDP Policy SD3.

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

A drainage strategy has been submitted in support of this application. The drainage strategy seeks to control the surface water discharge from the development into the adjacent watercourse. Infiltration tests have been carried out on site and subsequently considered not suitable due to the impermeable clay deposits and saturated nature of the granular deposits. As such, the proposed method of conveying surface water from the development will be to discharge into the watercourse adjacent to the eastern boundary of the site, which will eventually discharge to the River Gavenny and is in keeping with how the site is currently drained. Rainwater runoff from roofs and hard paved areas will be directed through attenuation measures and then from a new sewer system to the existing watercourse.

It is detailed that silt is to be prevented from entering the drainage system using trapped gullies, channels with slit traps, french drains with slit traps or using sustainable drainage techniques. Additionally, Welsh Water have confirmed the existing public sewer can accommodate the foul flows from the site, however the nearest public sewer is 150m away (and has to go through third party land) and would result in significant works off-site to make a connection from the development to the public sewer system.

In terms of off-site impacts, the attenuation of the surface water flows from the site will minimise surface water flooding risk impacting on the downstream catchments. Additionally, as there is no flood displacement or increased rate of runoff as part of this proposal, this will prevent surface water flooding impact from the development onto the downstream catchments.

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

6.5.1 The application site is located to the west of the Church of St Teilo, and to address the impact of the development upon this, the application submission includes a Heritage Impact Assessment report. This report concluded that the proposed landscape mitigation planting will reduce the visual impact of the development on the setting of the Church. This mitigation is set out within the recent submission in September of the LVA report and associated illustrations, and the GI Management Statement and plans.

6.5.2 GGAT have advised that there is a requirement within the application submission to make reference to the early 19th Century Llanvihangel Tramroad which is referenced within the Desk Based Archaeology Assessment. The applicant has confirmed that the scheme will deliver the associated mitigation as set out within the HIA, and required within the GGAT letter. This will be secured through appropriately worded planning conditions attached to any planning approval should Members be minded to approve the application.

6.5.3 Issues raised regarding the suitability of the location in terms of sustainability, the access and traffic are addressed in Sections 6.2.1 and 6.2.2 of this report.

6.5.4 The proposed development will not involve any works to the River Gavenny corridor and NRW and the Council's Biodiversity Officer are content that the proposed dwellings and associated works will not adversely affect local ecology and that there will be a net gain in biodiversity as a result of the development. See also Section 6.4.4 of this report.

6.5.5 Noise and disturbance during the construction phase of the development can be minimised as far as possible by the provision of an agreed Construction Traffic Management Plan. This is not

on its own however reasonable cause to refuse an application as the impact will be for a limited period of time only.

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

6.6.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.7 Conclusion

6.7.1 The site falls outside but immediately adjacent to the settlement boundary of Abergavenny but both national and local policies allow for the provision of affordable housing as an exception.

6.7.2 The site layout demonstrates that the site can be laid out appropriately in order to provide appropriate levels of car parking, accessibility and servicing. The proposed accesses will not harm highway safety.

6.7.3 The proposal will bring about community benefits in the form of improved pedestrian and cycle links and through the opening up of the site. The creation of new public open space will be provided for the community to enjoy.

6.7.4 NRW and the Council's Biodiversity Officer are content that the proposed development will not adversely affect local ecology, subject to the conditions suggested below.

6.7.5 The development is considered to be in line with national planning principles and contributes towards placemaking outcomes as defined in PPW10.

7.0 RECOMMENDATION: APPROVE

S106 Heads of Terms

Housing to be retained as affordable in perpetuity.

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 No development shall begin on site until the Local Planning Authority has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do

no increase flood risk to any property on or off the development site. The scheme will be carried out in accordance with the approved details and retained in perpetuity.

REASON: To ensure adequate protection and mitigation measures are included as part of the proposal to prevent additional surface water run-off which would could lead to increased risk of flooding as required by Policy SD3.

4 a) No development shall commence on site until the detailed design of the main estate roads, safety audits and technical audits for the proposed means of access onto the Hereford Road have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

b) Before the development is brought into use the means of access, together with visibility splays, footways and turning facilities, shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the access is constructed in the interest of highway safety and Local Development Plan Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP

REASON: In the interest of highway safety and local residential amenity and LDP Policies MV1 and EP1.

6 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management (Biodiversity) 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: Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the River Usk SAC and River Gavenny SINC.

7 No development shall commence until a Water Quality Monitoring Plan (WQMP) for the protection of water quality in the River Gavenny has been submitted to and approved in writing by the Local Planning Authority. The WQMP should include details of, but not be limited to:

- o The monitoring methods;
- o Timescales for construction;
- o Timescales for submission of monitoring and interpretative reports during construction;
- o Triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of incident response procedures.

The WQMP shall be carried out in accordance with the approved details during the site preparation and construction phases of the development.

REASON: To safeguard the Integrity of the River Usk SAC and River Gavenny SINC.

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

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including clearly identifying those that are to be privately managed and those that are to be part of strategic landscaping
 - a. Trees and Hedgerows
 - b. Green corridors
 - c. Paths
 - d. Publicly Accessible community space
- b) Opportunities for enhancement to be incorporated
 - a. Management of Grassland for botanical species diversity and / or protected species including reptiles
 - b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and screening
 - c. Maintain habitat connectivity through and or around the perimeter of the site for species
 - d. Management of wild play provision
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial 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 as appropriate. 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 will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

9 No development shall take place (including demolition, ground works, vegetation clearance) until a scheme of Biodiversity net benefit identifying location, positioning and specification of all measures is provided. The scheme shall build upon the details provided in section 7 of 'Recommendations and Mitigation Measures' of the 'Extended Phase One Ecology Survey - Land at Glebe Cottage, Llantilio Pertholey, Abergavenny' by Ecological Services Ltd. Dated October 2018; & provide for the future management and an implementation timetable. The

scheme shall be submitted to an approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

10 No development shall take place (including demolition, ground works, vegetation clearance) until the details of the proposed Bat mitigation incorporated into the pump house have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- b) use of materials (such as timber, roofing membranes),
- c) persons responsible for implementing the works;
- d) positioning, size, type & location of bat roosting provision including positioning and size of entrances of bat mitigation; to be shown on scaled elevation plans.
- e) means of access for monitoring and maintenance by licensed bat ecologists, ensuring the roost is secured from inappropriate access.
- f) initial aftercare and long-term maintenance

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

11 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 details of earthworks and 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.

12 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.

13 Prior to the commencement of development, noise mitigation measures in the form of building façade constructions and ventilation provisions to the habitable rooms of every dwelling shall to be submitted to and approved by the Planning Authority The approved mitigation shall be implemented in full before each dwelling is brought into beneficial use and retained as such in perpetuity.

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

14 All tree protection measures at the site including tree pruning will be carried out in strict accordance and timings as recommended in the Arboricultural Method Statement found in Section 6 of the Arboricultural Report by ArbTS. This will also include the appointment of a Project Arboriculturist who will liaise with the Council's Tree Officer at intervals to be agreed.

REASON: To ensure the safe, long-term retention of valuable green infrastructure assets in accordance with Council Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

15 Prior to installation of lighting, a "lighting design strategy for biodiversity" for the scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall: (a) identify those areas/features on site that are particularly sensitive and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent light sensitive species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

16 There shall be no ground raising within the floodplain (Zone C2 in the south of the site).

REASON: To ensure no increase in flood risk elsewhere, flood flow routes through this area are maintained and to avoid the loss of flood storage, in accordance with TAN15.

17 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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 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 Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk

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Application Number: DM/2019/01842

Proposal: Variation of condition 1 of DC/2012/00459 to extend the commencement deadline by 12 months

Address: Green Dragon Inn, St Thomas's Square, Monmouth, NP25 5ES

Applicant: Mrs Becky Oliver

Plans: Drg No GD-009 Existing North East Elevation Scale 1/50 - , Drg No GD-008 Proposed North West Elevation (Goldwire Lane) Scale 1/50 - , Drg No GD-007 Proposed South East Elevation Scale 1/50 - , Drg No GD-0013 Proposed First Floor Plan Scale 1/50 - , Drg No GD-0012 Proposed Ground Floor Plan Scale 1/50 - , Drg No GD-0011 Proposed South West Elevation Scale 1/50 - , Drg No GD-0010 Proposed North East Elevation Scale 1/50 - , OS Block Plan Scale 1/500 - , OS Location Plan Scale 1/1250 - , Building Inspection and Activity Survey for bat and birds report undertaken by Wyedean Ecology dated 9th July 2014 (Issue 2)

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong
Date Valid: 07.11.2019

This application is presented to Planning Committee because the applicant is a close relative of a Council employee and the positive recommendation of this application is contrary to the advice of a statutory consultee (NRW objects to this application as the submitted FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with the requirements of TAN15)

1.0 APPLICATION DETAILS

1.1 Site Description

The application is a renewal of a previously approved application DC/2012/00459 for a change of use of an existing granary building into holiday accommodation to be run in conjunction with the existing business. The building is situated at the rear of the public house. It is currently used for general storage in association with the adjacent public house. No change is being proposed to the design of the building and this application is purely to extend the life of the permission by a further 12 months.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2012/00459	Change of use of existing granary building into holiday accommodation, to be run in conjunction with the existing business.	Approved	07.11.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 LDP Enterprise and 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

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
HE1 LDP Development in Conservation Areas
HE2 LDP Alterations to Unlisted Buildings in Conservation Areas
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
SD3 LDP Flood Risk

Conservation Area Appraisal

Monmouth Conservation Area Appraisal

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) 5: Nature Conservation and Planning
Technical Advice Note (TAN) 12: Design
Technical Advice Note (TAN) 15: Development and Flood Risk
Technical Advice Note (TAN) 23: Economic Development
Technical Advice Note (TAN) 24: The Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council - Recommends Approve.

Natural Resources Wales - Objection. The evidence submitted in the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with the requirements of TAN15.

Glamorgan Gwent Archaeological Trust – No response to this application (however, they did respond to the previous application).

MCC Biodiversity and Ecology - Initial concerns removed provided that the relevant ecological conditions and informative are imposed.

MCC Environmental Health - No objection to this application.

5.2 Neighbour Notification

No objection in relation to this planning application. It is noted that an objection was submitted to the Council's Licensing Department in relation to the Application of Variation of License PRM 091 for an extension to the hours that alcohol can be served at The Green Dragon Monmouth. However, that is not a material consideration in relation to this application.

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 The redundant granary building lies within the Monmouth Town Development Boundary where the conversion of buildings for tourism use will be supported in accordance with the wider objectives of the Local Development Plan as set out in Policy S8 of the LDP. Given the above, in terms of the principle of the development, the conversion of the existing building for holiday let purposes is considered to be acceptable subject to material planning considerations.

6.2 Economic Development Implications/Placemaking

6.2.1 The proposed development would provide tourism accommodation within a central location of Monmouth that would encourage economic growth in the area. The resulting proposal would enhance the stock of holiday accommodation in Monmouth and would bring visitors into the County, which accords with the thrust of placemaking as set out in Planning Policy Wales Edition 10 (PPW10). Given the above, the renewal of the previously approved application is in accordance with National Policy and the LDP.

6.3 Good Design/Conservation Area/Archaeological Sensitive Area

6.3.1 The application seeks consent to renew the previously approved permission to allow additional time to implement the consent. The proposed scale and design of the building is unaltered within this renewal application.

6.3.2 Based on the previous design, it is considered that the proposed conversion would be sympathetic to the character and appearance of the granary and be appropriate for this sensitive location within Monmouth's Conservation Area. There would be a minimal amount of external alterations to the structure and the proposed timber windows and doors would preserve the character of the building. The proposed development would retain the character and appearance of the building and would preserve the character of Monmouth's Conservation Area in accordance with Policies S17, HE1, HE2 and DES1 of the Local Development Plan.

6.3.3 The site is within an Archaeologically Sensitive Area. It is considered that there has not been any significant change since the previously approved permission. Therefore, it is reasonable to re-impose the relevant archaeological condition, securing a programme of archaeological work in accordance with a written scheme of investigation before development.

6.4 Biodiversity

6.4.1 The Council's Biodiversity Officer did have some ecological concerns initially about the application. Having explained that the application seeks consent to renew the previously approved permission to allow additional time to implement the consent and the original conditions can be re-imposed, her concerns are lifted. Therefore, provided that the relevant conditions are imposed, there is no ecological objection to this application. Given the above, it is considered that the proposed development would have an acceptable impact on wildlife interests and would be in accordance with Policy NE1 of the LDP.

6.4.2 The Local Planning Authority "must have regard to the requirements of the Habitats Directive.....in the exercise of their functions" (Reg. 9(5) Conservation Regulations 2010). This was reinforced by the case law example (Wooley vs Cheshire East Borough Council, May 2009) that established that Local Planning Authority's must engage with the Habitats Directive and this means that they must:

Consider whether a European Protected Species (EPS) offence under the Conservation of Habitats and Species Regulations 2010 (Cons Regulations 2010) is likely to be committed by the development proposal.

A protected species report has been produced and submitted with this application which identifies that a bat species is using the site. The applicant is seeking permission to convert this building; however the applicants have proposed mitigation measures to ensure that the proposals do not harm wildlife interests.

6.4.3 The application must be subject to the three tests of derogation as described by Article 16 of the Habitats Directive 92/43/EEC and implemented by the Conservation Regulations 2010. The Local Planning Authority must consider whether the three derogation tests will be met and so whether the Welsh Government is likely to grant a licence.

With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

In relation to the above points, these are addressed in turn in relation to this application.

6.4.4 Test 1

The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

It is considered that the current deterioration of the building has resulted in it having a negative visual appearance within the locality. The structure is currently boarded up and is detrimental to both the character and appearance of the area which lies within Monmouth's Conservation Area. It is considered that there is an overriding public interest to enable development at this site to ensure that the character and appearance of the area is enhanced. Enabling development at the site would result in the appearance of the street scene being considerably improved. It is considered that there are beneficial reasons to enable development at the site both in terms of public safety and in respect of socio-economic reasons, including improvements to the built environment.

6.4.5 Test 2

This test is concerned with whether the scheme as submitted is the only satisfactory option and that there are no alternatives available. Looking at all the options available, these fall into four main groups: (i) to develop an alternative part of the site, (ii) to do nothing, (iii) to demolish the existing building and construct a new building, or (iv) to allow this proposal to convert the existing building.

Given the context of the site, the first option would not be appropriate as the proposed development aims to convert an existing building at the site and thus, there is no other alternative part of the site to develop.

With regard to the 'doing nothing' option, whilst in the short term at least, doing nothing would preserve the present bat roosts in situ, ultimately they, along with the building, could be lost through structural deterioration. The building may be subject to vandalism in the future and there could be a threat to the bat roosts and the continued viability of the building. This option would therefore not be in the interests of either the protected species or the public, and for this reason is also inappropriate.

The third option would result in the demolition of the building and the loss of a roosting site for at least three species of bat which would be significantly harmful to wildlife interests. The final option is to retain the existing building at the site and convert it for tourism use. This is the preferred option for the Local Planning Authority. The building makes a significant positive contribution to the

character and appearance of Monmouth's Conservation Area and converting the building for tourism use would be beneficial to the area. The proposals aim to retain and provide mitigation measures to ensure the habitats of the European Protected Species (EPS) are protected at the site. It is considered that this proposed option would be the most appropriate for the site in terms of protection of the EPS.

6.4.6 Test 3

The final test of the Regulations is concerned with the mitigation and maintenance of the population of the species at a favourable status in their natural range. The scheme submitted provides an ecological survey which highlights the location of the identified roosts in the building. The applicant has offered clear details of how they intend to mitigate for the impact that the proposals will have on the bat population. The submitted report proposes mitigation options and an enforceable working method statement will be submitted to the Local Planning Authority for approval prior to the commencement of development. It is considered that the proposals would not harm bat species at the site.

6.4.7 The proposal does meet the tests and the view is taken that the Welsh Government would grant a licence. The Council's Biodiversity Officer has reviewed the proposals and is satisfied that subject to appropriately worded conditions and informatives the proposed development would have an acceptable impact on wildlife interests. The Local Planning Authority therefore may legally give consent for the proposals subject to these conditions. Please be advised that condition 9 of the previous planning consent requires a licence from NRW prior to development commencement. However, this licence application with the NRW is a separate process that is under another legal system. To avoid duplication, the current practice of the Monmouthshire County Council Planning Department will highlight this element in the informative section of the decision notice instead of imposing it as a planning condition.

6.5 Impact on Amenity

6.5.1 There has been no material change to this scheme since the previous permission. As before, the proposed development is not considered to harm any party's residential amenity and there have been no objections to the proposed development.

6.6 Highways implications

6.6.1 The site is located within easy walking distance of Monmouth Town Centre and Monmouth Bus Station. In addition, there are existing public car parks within close proximity of the site to serve visitors who choose to drive. In terms of traffic generation from the site, given the size of the granary building, it would not result in a significant amount of additional traffic in the area, and would be in accordance with Policy MV1 of the LDP.

6.7 Flooding/Drainage

6.7.1 An updated Flood Consequences Assessment (FCA) has been submitted with the application as the site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15).

6.7.2 NRW was consulted and has advised that their Flood Map information confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Rivers Monnow and Wye, which are designated main rivers. Our records also show that this site has previously flooded from the River Monnow/Wye during the 1979 flood event. It advises that the evidence submitted in the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with the requirements of TAN15.

6.7.3 Tourism accommodation is considered to be a form of highly vulnerable development as classified within Technical Advice Note 15. However, Policy SD3 of the LDP states that "Proposals for highly vulnerable development will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational

establishment." The sleeping accommodation of this holiday let is on the upper floor of the granary building and the principle of the proposal is an extension of the public house and would provide a supplementary source of income for the already established tourism/leisure use at the site. Therefore, it is in accordance with Policy SD3 of the LDP.

6.7.4 A Sustainable Urban Drainage System (SuDS) is not required for the conversion of an existing building to provide a holiday let. In addition, the reuse of the existing building would not result in additional surface water run-off. A planning condition was previously imposed to require any hardstanding would be conditioned to be permeable only. However, no hardstanding is being proposed and the formation of new hardstanding would require the need for planning application for this land use in any case. Therefore, that condition will be removed as a result. Furthermore, if consent is granted, a condition can be added, requesting the submission of an evacuation plan to ensure that a formal arrangement is in place in the event of a flood. It is noted that three drainage conditions were imposed on the original permission: i.e. Foul water and surface water discharges shall be drained separately from the site; No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority and Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system. It is considered that there has been no significant change to the circumstances since the previous planning consent. Therefore, they will be re-imposed accordingly.

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

6.8.1 There is no objection from Monmouth Town Council and no neighbour objection to this planning application.

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 It is considered that the proposed conversion of the redundant building for tourism use is justified under Policy SD3 of the LDP and the resultant structure would preserve the character and appearance of the building. The proposed development would improve the appearance of the building and would in turn enhance the character of this part of the Monmouth Conservation Area. In addition, it would not harm any other party's residential amenity. To conclude, the development would be in accordance with the relevant policies within the Local Development Plan i.e. policies S8, S12, S13, S16, S17, DES1, EP1, HE1, HE2, MV1, NE1 and SD3.

7.0 RECOMMENDATION: APPROVE

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

REASON: The application seeks consent to renew the previously approved scheme to allow additional time to implement the consent.

02. 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.

03. 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: To ensure the property is occupied as holiday accommodation.

04. 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.

05. No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Planning Policy Wales (Edition 10, December 2018).

06. The opportunities for the continued use of the building by roosting bats as set out in Section 9 Conclusions and Recommendations of the Building Inspection and Activity Survey for bat and birds report undertaken by Wydean Ecology dated 9th July 2014 (Issue 2) shall be implemented prior to the development being brought into beneficial use and shall be retained in perpetuity.

REASON: To protect a species of conservation concern.

07. Compensation shall be illustrated on a proposals plan and submitted to the Local Planning Authority for approval in writing prior to the commencement of works. This as a minimum must include roosting provision for Pipistrelle bats and nesting bird provision for House Sparrows in the form of self-contained integral bat and bird bricks within the external walls of the refurbished building. The hereby approved details shall be implemented prior to the development being brought into beneficial use and shall be retained in perpetuity.

REASON: To protect a species of conservation concern.

08. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or within the development boundary.

REASON: To protect a species of conservation concern.

09. No demolition or refurbishment of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings for active birds' nests immediately before the demolition or refurbishment works have been carried out and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority within 2 week of the completed check.

REASON: To protect a species of conservation concern.

10. Prior to the commencement of development a Flood Evacuation Plan shall be submitted to and approved in writing with the Local Planning Authority. The flood evacuation plan shall be implemented as agreed in the case of a flood.

REASON: To ensure adequate measures are in place in the case of a flooding.

11. Foul water and surface water discharges shall be drained separately from the site.

REASON: To protect the integrity of the Public Sewerage System.

12. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

13. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

REASON: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

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

3 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

4 The applicant must take appropriate measures to safeguard members of the public using the adjacent highway during the course of the works.

5 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 the MCC Highways.

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

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Application Number: DM/2019/02076

Proposal: Discharge of condition no. 5 of planning consent DM/2019/00595 (management plan).

Address: 62 Chepstow Road, Caldicot, NP26 4HZ

Applicant: MHA c/o Agent

Plans: Block Plan 3826_PA_001 - , Other Amended Management Plan

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Valid: 20.01.2020

This application is presented to Planning Committee because when the original application was considered by Committee on the 1st October 2019, Members approved the application subject to a condition requiring a Management Plan being submitted for the approval of the local planning authority and that that Discharge of Condition application for the Management Plan be considered by Planning Committee

This application is therefore presented to Planning Committee

1.0 APPLICATION DETAILS

1.1 Site Description

62 Chepstow Road is a six bedroom, two-story, detached property located within the Caldicot Development Boundary as referred to in Policy S1 of the Local Development Plan (LDP). It is accessed off a long driveway that runs between no. 64 and 62A Chepstow Road, it is set back from the road behind no. 64. There are residential properties on three sides of it and to the south are playing fields. There are three, off road car parking spaces to the front of the property. In October 2019, planning permission was granted to change the use of this property into a House of Multiple Occupation to help to prevent homelessness within the southern part of the county. There is currently a shortage of social housing in the County. Therefore, 62 Chepstow Road will be used for shared family accommodation and will be managed directly by the accommodation staff in the Housing Options Team. It is expected that the majority of the families accommodated, will be from the Caldicot and Chepstow Area

1.2 Value Added

There have been amendments to the management plan; this was submitted on the 23/10/20 and all interested parties were re-consulted.

1.3 Proposal Description

1.3.1 In October 2019, planning permission was granted under application number DM/2019/00595 for a change of use of No. 62 Chepstow Road from a C3 dwelling house to C4 house in multiple occupation. Condition no. 5 of that approval stated that:

Prior to the approved use commencing, a Management Plan outlining how the dwelling will be managed and operated shall be submitted to and approved in writing with the LPA. The hereby approved House of Multiple Occupancy shall operate in strict accordance with the provisions of the approved management plan in perpetuity.

Reason: To ensure the building is occupied in a manner that does not harm the amenities of the occupiers of the building or local residents to ensure that the use accords with the objectives of policy EP1 of the LDP.

1.3.2 This current application seeks a discharge of that condition. An application for a non-material amendment under application DM/2020/01269 has been submitted to amend the wording of condition 3 of the original application DM/2019/00595. That requests that the wording of condition 3 provides that, 'No more than six people shall occupy the building at any one time and it shall be occupied by families only (including lone parent families) and no lone adults'. This is to reflect the concerns of local residents. That application is not currently valid.

1.3.3 62 Chepstow Road is a 6 bedroomed detached house owned by Monmouthshire Housing Association (MHA). MHA purchased the property to support the Council to meet its homeless duties under the Housing (Wales) Act 2014. The purpose of this management plan is to set out how the Council's emergency shared family accommodation at 62 Chepstow Road, Caldicot will be utilised and managed. As the owner, MHA have acquired planning permission for the property to be used as a House of Multiple Occupancy, but for a maximum of six people. The condition of the planning consent is that the property will only be used to accommodate families. The Management Plan reflects that the property will only be used to accommodate families. No more than six people shall occupy the building at any one time and it shall be occupied by families only.

General Management

The day-to-day management of the property falls within the remit of the Council's Housing Options Team and accommodation staff. The management responsibility sits with the Housing Options Team Manager. Management responsibility is delegated to the Private Sector Liaison Officer who supports and oversees accommodation management and a team of Accommodation Assistants. One of the Accommodation Assistants will be responsible for the day-to-day management of the property. The aim will be for as close as possible, daily visits to be made to the property during the working week, although this will be subject to holidays, sickness or other priorities. The Accommodation Assistant will be provide a first point of contact for residents, neighbouring residents or agencies. During periods of staff absence, the responsibilities for day-to-day management will transfer to the wider Accommodation staff/team. Named staff will be subject to change.

Privacy

The first floor, side elevation windows overlooking 62A Chepstow Road shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity. The Council will install and maintain trellising to the rear of 64 Chepstow Road to improve privacy.

Fire Safety

A pre-occupancy Fire Risk Assessment will be undertaken. Any potential works identified will be picked up either by MHA or the Council, depending on responsibility. Internal weekly alarm and emergency lighting checks will be completed by the allocated Accommodation Assistant and recorded in an evidence of fire safety record. Periodic inspections will be undertake by Inferno Fire and Security Solution Ltd or another suitable contractor. This will inform on-going reviews of the fire risk assessment. In relation to fire alarm testing, this will be implemented in such a way as to be as sensitive as possible to the local community to minimise any inconvenience or distress. The Council will aim to test the alarm as close as reasonably possible to the same time and day, although this may not always be possible. The Council is able to liaise with immediate neighbours in this regard if required.

Health & Safety

A full risk assessment will be completed and maintained by the Council. Any arising actions identified will be completed. The risk assessment will be reviewed at least annually. A pre-occupancy has been completed by MCC Environmental Health, which will help to inform the risk assessment. Actions identified will be addressed. The property will be added to the Council's gritting schedule in respect of freezing temperatures.

Allocation of Vacancies

Allocations will be made by MCC HOT Accommodation Team. All rooms are to be allocated to families only. The accommodation will be for a maximum of 6 people in total. Prior to allocation, a Risk Assessment will be completed and S115 obtained from the Police for individual households being considered for vacancies. MCC will be sensitive in allocation, and will refrain from placing families where anti-social behavior has been an issue in their Homeless Application to allay

concerns from existing neighbours. Any applicant considered unsuitable will not be allocated accommodation at this address and alternative arrangements will be made. All families will be allocated a support worker as per the conditions of their License Agreement.

Subject to assessment and suitability, the MCC HOT Accommodation staff may consider the property for households with family members who may have physical mobility issues. The suitability of the property and any offer of accommodation will be discussed with households with physical mobility issues. If necessary, advice will be sought from a Social Care or Health Occupational Therapist about suitability. Joint visits will be arranged if necessary. Discussions with an Occupational Therapist could possibly inform the provision of disabled adaptations, subject to agreement by MHA.

Vehicle Access & Parking

Residents will be allowed to use the drive to park any vehicle, subject to agreement by the Council. Vehicular access and egress will form part of the risk assessment for the property. MCC staff and visiting professionals will not be allowed to use the driveway to park, with the exception of maintenance staff. The Accommodation Assistant will monitor parking.

General Security

CCTV will be installed and maintained by Inferno Security Ltd or another appropriate contractor.

Rent Arrears

All residents will be required to pay the weekly rent and any service charges, as per the conditions of their license. In the event of non-payment of rent Council will implement procedures to collect any outstanding rent. This could include written notifications, telephone calls, emails, visits, legal action and eviction. Rent recovery action will also include providing support to positively assist residents if deemed necessary. For example to a suitable housing support provider.

Emergencies & Out of Hours

Emergency Out of Hours Maintenance will be provided by MHA

Out of hours support & advice via the Council's emergency arrangements and the sub-regional homeless out-of-hours arrangement between MCC, Blaenau Gwent and Torfaen County Borough Councils.

Contact numbers will be given to residents and will be displayed in the property.

Contact numbers will be given to the neighbours.

Anti-Social Behavior

See policy attached. If necessary, MCC will liaise closely with local CADRO Team as well as attend local meetings where appropriate. If necessary, MCC HOT Accommodation Team will undertake joint visits with the Police and other agencies. Anti-social behavior could result in eviction.

Repairs & Maintenance

MCC HOT Accommodation Team will monitor repair and maintenance and will arrange any necessary day to day works and if applicable, liaise with MHA. Gas Safety Checks will be completed annually by MHA Fixed wire electrical testing will be completed every 5 years by MHA. Annual PAT testing to be scheduled with MHA.

Appendices to the report are

License Agreement

Anti-Social Behaviour Policy

2.0 RELEVANT PLANNING HISTORY (if any)

DM/2019/00595 Change of use from a C3 dwelling house to C4 house in multiple occupation.

DM/2019/02076 Discharge of condition no. 5 of
planning consent DM/2019/00595 (management plan)

Pending Determination

DM/2020/01269 Amendment to the precise wording of
condition 3 of planning consent DM/2019/00595, which should be amended to read - No more than
six people shall occupy the building at any one time and it shall be occupied by families only
(including lone parent families) but no lone adults. Invalid Application

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caldicot Town Council (13/11/20) - Deferred

MCC/MHA to be invited to a meeting to explain why they had not adhered to the agreements made at the meeting held on the 20/08/20.

5.2 Neighbour Notification

Letters of objection have been received from 11 addresses, following re-consultation, on 10/11/20.

General dislike of proposal

Inadequate parking provision

Increase in traffic

Not enough information given on application

Out of keeping with character of area

Original comments still stand

Lack of community involvement

Information missing from plans

Noise nuisance

Strain on existing community facilities

The property is not suitable for the purpose it was purchased for and certainly not for single people

to be accommodated in rooms with only communal facilities, which does not work
Would make it more like a Hostel than someone's home
The property nor area is not suitable for their proposals especially with a school backing onto the property
Other houses in Caldicot that have been granted these conditions are notorious for disturbances and regular police activity
Are the people who have been evicted from private houses due to causing a disturbance and placed in local hotels going to be placed in this house?
We are in the height of a pandemic where vulnerable people are struggling enough without having the additional stress and strain of having to object a planning application
There could be police and specialist team intervention/presence within the placement of families needing to be accommodated
Increase in anti-social behaviour
Phone numbers in case of emergencies might not bring peace of mind for residents
Doesn't this contravene the current coronavirus laws in place for Wales with external bubbles all mixing together under the one roof
The driveway to 62 Chepstow Road is extremely steep and dangerous
Any risk assessment on the property would have identified or highlighted the liabilities of such hazards/dangerous access
Would the council take responsibility if a serious incident was to happen to pedestrians?
What happens if a family expands in size (through pregnancy) or rooms were sub-let without permission, particularly if inspections were missed due to lockdowns, annual leave or sickness of MCC staff?
If the property is sold on under HMO conditions would the rules apply to the future purchase or could it be of further detriment to the community?
The property is not suitable for the disabled.
You have still not confirmed that if this property is sold there will be a clause banning single persons and only families allowed to reside there
No lone adults does not mean that it could not be occupied by two adults plus two other families or three lots of two
Over development of the site
This development is in effect a commercial venture by MCC; accepting people from other areas of the county brings a financial gain
Still very wary of MCC changing the rules and granting themselves permission to do what they want
Chepstow Road has been identified by MCC as an Active Travel Road
The Management Plan is also ignoring the specific amendment by MCC Planning Committee as well as a minuted meeting with MHA, Caldicot Town Councillors and residents on 20/08/2020 by putting their own spin on agreed wording because "they did not like it "as stated by senior planning management
With the continual amount of Overseeing and Supervision expressed in this Plan it appears to be a back door method to turn this property into a Commercial Office unit by the Community Housing Services
The new management plan does not contain the agreed outcomes of the residents at the council meeting; in fact no action has been undertaken and an action explicitly agreed as no single people should reside at the property has been omitted from the documentation
Access is not suitable for an emergency vehicle such as a Fire Engine or Ambulance or a mobility scooter or wheelchair
Representatives of MHA are fully aware of the noncompliance of the driveway and drive splays and are ignoring the wellbeing of their staff, residents, visitors and pedestrians
Public Bodies have let local residents down and acted in disregard for the public purse.

Letters of objection received from 22 addresses on the original submission of the management plan in January 2020

Close to adjoining properties
General dislike of proposal
Inadequate access
Inadequate parking provision
Loss of privacy
Noise nuisance
Out of keeping with character of area

Some families could use this facility in the correct manner that it is intended but this is proven not always to be the case in such previous hostels for families in Monmouthshire
The fact that there is an anti-social behaviour policy included in the documents clearly contributes to the growing concerns of the neighbours
The installation of CCTV, the fact the property overlooks several private residential houses
No direct control over who can visit the property and those who will occupy it
Those who will occupy the property will be changeable and variable
The access/ drive is a clear hazard and danger
The intention of a bollard is not purposeful and will not act as deterrent for visitors/ occupants
No access for emergency vehicles
The council have invested a staggering amount of money via grants and tax payers' money, with very poor thought process involved and is alarming
Still object to this proposal and feel deeply sorry for the stress and anxiety placed on the neighbours and residents
The application, work and consultation has been very poorly handled
The plan has been a total waste of council tax payers' money
Out of context with neighbouring and surrounding properties
Will cause anti-social behavior and a devaluation in the property prices
Must have been more cost effective solutions available to MHA
I have yet to see the same story from anyone within Monmouthshire Planning or Monmouthshire Housing as to its real proposed use
This is a retrospective planning application as all work has already been carried out at great cost to the rate payer
Parking will be on the road or pavement causing traffic issues
Other more suitable properties specifically for multiple occupancy have come up for sale
This property is not disabled friendly
There is only one duty officer for Torfaen/Blaenau Gwent and Monmouthshire during evening hours; this is totally unacceptable considering all the security you deem necessary to put in place
Houses already used for this purpose in Caldicot have caused issues with noise and mess
Windows all overlook either houses and gardens or the children in the school directly behind it
You said that you wanted to keep families close to their point of origin, this cannot be possible when two other authorities are involved
If this is a family with ASBOS and a curfew in place there is very likely to have been serious issues that incurred the displacement from previous homes
A tenant in a similar property in Caldicot could only be evicted when he committed a crime and was sent to prison
An increase in the crime rate will occur
No notification displayed on the property
All aspects of the purchase, finance and planning applications have been suspect
A six bedroomed house for six people is complete waste of ratepayers' money. Many families would love to have a bedroom each!!!
The recommendation of no single people which was continually stated in the departmental emails of MCC senior personnel has been removed
The driveway splay which was an original planning safety requirement still has not been reinstated
An office based hub for MCC personnel within this property renders this building into commercial premises amongst residential properties
Children will have their own bedrooms which, if they are not locked, will give open access to strangers and if they are locked into a room while they sleep on their own it would be totally unsuitable and could not be justified in any risk assessment
You are discriminating against all households in Caldicot by placing a gritting policy order on this property during freezing temperatures
This property is unfit for purpose
Lack of communication and plans incorrect
No wellbeing consideration given to the neighbours and residents since this property was purchased by the council
With this management plan they are actually making the situation worse
As work started on the property well over a year ago, which suggests funding was in place prior to any formal planning permission. This needs to be investigated
Obviously reaching a set housing target takes preference over the justified objections of the local council tax payers
I find the statement about the property being for a maximum of 6 people yet only for families

confusing

I am extremely concerned about the type of persons living in this house and what upset they may cause my family and my neighbours

The lay-by is used constantly through the day by residents so I can only assume the road or pavement will be used for parking

Chepstow Road is a nice residential road with nice people

This could put vulnerable people at risk, especially the young, elderly, and disabled members of the community

If this establishment is for families why are all these precautions and action plans in place, unless it is known to house people that may have a history of problems?

School children are a target group for drug dealers and could be exploited

The vetting process appears contradictory - if clientele are checked, why are anti-social behaviour contact numbers being issued to neighbouring properties?

It is not suitable for more than one family, if rooms are to be locked the health and safety of any children present could be endangered

There is a lack of Police presence in the area

Should this matter be dealt with by an independent body? Is the Monitoring Officer Aware?

From the original application safeguarding measures weren't looked at and in this application they haven't been again

No planning permission was given for the works to the doors and windows

Emergency access to the property will be limited resulting in possible endangerment to life in the case of fire

The constant changing of plans and general lack of transparency from this council is disgraceful and a total misuse of public funds

You state in your application rental agreement that any tenant at this hostel will be removed if they do not adhere to the rules laid out. With the removal of Section 21 this can now take up to 12 months. How will MHA deal with this?

The Management Plan states a maximum of six people, as a condition of the planning consent and the requirement to accommodate families. This is incorrect - the condition was that it was to accommodate families and no single people

Regular Fire Alarm Checks - this would be a major impact on us as neighbours

No parking at the property will cause problems

Property is not suitable for disabled access

The original planning approval, subject to conditions is for a HMO not a hostel

Drawings supplied are still not correct

Risk Assessment - apparently this has identified required actions but does not say what, I suggest these actions be made known and listed in the plan before it is even considered

Process not open and transparent

The residents of Caldicot have a right to know what MCC's plans are when they purchase land and properties for housing people with social, mental and psychological problems

There is a lot of social housing in Caldicot; are other places taking their fair share?

Weekly room inspections should be logged to protect other residents in case of incidents which could cause harm/ stress

Will the existing residents have a voice concerning the new residents that are going to live in the house with them?

This new planning application dramatically changes the subject matter put before the Planning Committee.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

Planning permission has already been granted for the change of use of No 62 Chepstow Road into a house of multiple occupation. This current discharge of condition application seeks the approval of the Management Plan. The Management Plan has been drawn up by MCC Housing & Community Services, who have considerable experience in setting up and running such establishments. The Accommodation Assistant will be responsible for the day-to-day management of the property. The aim is for daily visits to be made to the property during the working week. The Accommodation Assistant, may choose to work from the property sometimes. The presence of a staff member on the

site will be beneficial to residents. The families who will be accommodated at the property will be allocated by the MCC HOT Accommodation Team and will be based on need. It is expected that most of the residents will come from the Chepstow and Caldicot area. A full risk assessment will be completed and maintained by the Council. Any arising actions identified will be completed. The risk assessment will be reviewed at least annually. It will be up to the Council's Housing Options Team to ensure that the property is managed well and that the occupiers do not adversely impact on the amenity of existing residents in the local area.

6.2 Response to the Representations of Third Parties and/or Community/Town Council

6.2.1 Caldicot Town Council says that the amended management plan does not reflect what was agreed at the meeting between MCC/ MHA and local residents at the meeting of the 20th August. Many of the suggestions made by local residents were incorporated into the amended plan. The issue of the fire alarm testing was looked at again and amended as was the suitability of the site for use by people with disabilities. Some of the issues raised at that meeting could not be altered. Residents wanted the access into the site to be changes to allow for a wider visibility splay, but this could not be altered due to the physical layout of the site. The Highway Authority had said on the original application that the existing access was acceptable and did not compromise highway safety.

6.2.2 There have been letters of objection from 22 residential addresses on the original submission and comments received from 11 addresses following re-consultation on the amended management plan. The majority of these comments relate to the principle of the proposed change of use, but this has already been approved by members of the Committee and the principle is already established. This current application is to consider the content of the Management Plan.

6.2.3 Comments received from local residents regarding the management plan are addressed below.

6.2.4 Residents were concerned about how many people would be able to occupy the premises at any one time. To address and accommodate these concerns this matter is being addressed by a separate application for a non-material amendment as set out in par. 1.3.2 above. This will address the residents' concerns that single adults could occupy the building. The intention is that the premises shall only be occupied by families. The Housing Option Team will have control over who occupies the property, they will vet the potential occupants to assess their suitability. The anti-social behaviour policy is included as a precaution. Residents say that having emergency contact numbers does not bring them piece of mind; the use of the phone numbers is optional - some residents may feel reassured but other local residents may chose not to use them. Residents have said that there has been a lack of community involvement and that no site notice was posted advertising the application. There are no site notices necessary in relation to a Discharge of Condition application and there is no requirement in the planning legislation to notify interested parties. However in this case planning officers decided to notify all of the 96 residents who objected to the original planning application and again consulted them when the amended Management Plan was submitted. A risk assessment will be undertaken each year by the Housing Association.

6.2.5 The Housing Association will not allow any sub-letting of the property. If one of the residents of the HMO does give birth while occupying the premises this might affect the number of people occupying no 62 and if this is the case, the housing association will take a common sense approach. MHA has no intentions of selling this property on but if it did the property could remain as a HMO. As stated above the Housing Association did listen to the residents' concerns about the management plan that were expressed at the meeting in August. The Management Plan was amended where this was possible however there were some issues such as the access that could not be controlled by MHA. Local residents have also expressed concern that no. 62 Church Road would become an office space for members of the Housing Association or housing staff with MCC. This is not part of the plan for the building. Some staff who are visiting the dwelling to check in on the residents may wish to stay little longer to catch up with their work, but this will be an informal arrangement and members of staff will not visit no. 62 with the sole purpose of working there. No 62 Chepstow Road will not become an office facility.

The property will be added to the Council's gritting schedule in respect of freezing temperatures, but the argument that this is discrimination is not a material consideration. Residents say that the plans are inaccurate; the only plan submitted with this application is a site plan with the site outlined in red and planning officers consider this to be accurate. Any applicant considered unsuitable will not be

allocated accommodation at this address and alternative arrangements will be made. The Housing Association has an adopted policy for the removal of tenants if any problems arise; this has been tried and tested on similar schemes. Local residents are also most concerned about the parking arrangements on the site. The Management Plan states that MCC staff and visiting professionals will not be allowed to use the drive to park, with the exception of maintenance staff and that the Accommodation Assistant will monitor parking. Following discussions with local residents it has been agreed that no bollards are required and that residents of no 62 will be allowed to use the drive to park a vehicle, subject to agreement by the Council. It is not expected that many of the occupiers of no. 62 will own cars and want to park them on the site. Vehicular access and egress will form part of the risk assessment for the property. The risk assessment will comply with the appropriate standards. Finally local residents have suggested that the MHA staff should visit the property more frequently to carry out checks. The Management Plan states daily visits will be made to the property during the working week, although this will be subject to holidays, sickness or other priorities. This is considered acceptable and is the policy on similar schemes within the County. The Housing Options team will have reviewed how much cover is required, having experience in these matters and will have put forward a system that they know will work for both residents and staff. The applicant is best placed to understand how to run the facility effectively.

6.3 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.

6.4 Conclusion

The content of the Management Plan and the level of detail is sufficient to ensure the building is occupied in a manner that does not harm the amenities of the occupiers of the building or local residents. The Plan does ensure that the use of the premises accords with the objectives of policy EP1 of the LDP. The application is therefore recommended for approval.

7.0 RECOMMENDATION: APPROVE

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Application Number: DM/2020/00855

Proposal: Proposed outbuilding for ancillary and incidental use to the main dwelling, and regularisation of mixed use combining private dwelling (C3) with charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2)

Address: The Cwm Cribau Road, Llanfair Discoed

Applicant: Mr Phil Joiner

Plans: Site Plan P200 - , Floor Plans - Proposed P310 - Rev A, Floor Plans - Proposed P320 - Rev A, Elevations - Proposed P400 - , Elevations - Proposed P401 - , Elevations - Proposed P402 - , Other P500 - , Location Plan EX001 - Rev A, Other FCA - , Other appendices - , Ecology Report - , Parking Layout SK900 - , Proposed Roof Plan P390 - , Site Sections P500 - , Floor Plans - Proposed SK901 - , Floor Plans - Proposed P320 - Rev A, Floor Plans - Proposed SK902 -

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton
Date Valid: 06.07.2020

This application is presented to Committee following the receipt of five or more public objections

1.0 APPLICATION DETAILS

1.1 Site Description

The Cwm is a large, detached three storey dwelling of arts and crafts inspired architecture, set within the woodland of the Cwm Valley, approximately 1.3 km to the north-east of the village of Llanfair Discoed. The property originated from the 1890's, with a former stone outbuilding/ stable block to the rear of the site having previously been converted to provide ancillary annexe accommodation.

The property and site as a whole is accessed from an unclassified, adopted, no through road, known as Cribau Road which it shares with several other properties. The property is currently used as mixed use involving a dwelling (C3 use class) with a charitable training/retreat centre (providing therapy/classes with associated short term residential) (a C2 use class).

The property is positioned on the western edge of a large residential curtilage and wider land holding which extends to the north, south and east of the site. Whilst the main access is to the south forming part of an in and out driveway, with parking provided to the west of the dwelling, a further area of car parking capable of accommodating at least six cars with a further 60m long tarmac driveway leading to the property is positioned to the north of the dwelling.

The site of the proposed outbuilding is within the residential curtilage positioned to the south of the dwelling and principal access. The area comprises a level area of land, the eastern boundary of which is defined by a rendered retaining wall. Works to excavate the area and erect the walls were undertaken in 2018. The land is outside of, but adjacent to, a designated SSSI which climbs steeply to the east and is covered in woodland. The Castroggi Brook runs to the west of the site. The site is elevated above the brook which is partially culverted.

The site as a whole is located in an area of open countryside within the community of Caerwent. The site is also within a Mineral Safeguarding Area as identified by the proposals map of the Local Development Plan and a C2 Flood Zone, identified by the Development Advice Maps of Technical Advice Note (TAN) 15 - Development and Flood Risk.

1.2 Value Added

Detailed pre-application advice was given.

1.3 Proposal Description

The application seeks full planning permission for the erection of a multi-purpose outbuilding to be used to provide therapy classes and a retreat in association with a business already being run from the site. Although the property remains the applicant's dwelling, given the escalation of the business and the amount of space dedicated to visitors, the application also seeks to regularise the mix use of the property as a private dwelling (C3) with Charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2)

The proposed outbuilding would measure approximately 22m long, 8m deep with a maximum height of 6.7m falling to 3.8m at eaves level. Internally the development would provide an entrance lobby, toilets, store, kitchen and multi-use space on the ground floor with a seminar room at first floor level. The building would be built into the side of the hill and would be finished in treated timber cladding with grey metal sheeting on the roof. The new outbuilding would be located approximately 75 metres to the south of the main dwelling.

The proposed building would utilise the existing access to the residential property with one additional car parking space provided to the north of the building. A treatment plant would be installed to the north of the building and there would be an attenuation pond for the SuDS to the south.

Details submitted in support of the application indicate that the applicants purchased the property 7 years ago and have undertaken restoration and improvement works to the house and the garden since. The applicants currently operate a charitable enterprise from the site, 'Breathe' which offers spiritual retreat opportunities to church leaders and teams. The current application seeks to regularise the use of the dwelling and provide an ancillary flexible space suitable for group ministry training/ group therapy/ creative workshop activities that cannot be accommodated effectively within the main house. The applicants regularly host up to 20 people at a time, providing meals and accommodation, whilst offering a range of training/ counselling/ group therapy/ creative workshops.

The business has grown steadily. Due to the extent to which the dwelling is used in conjunction with the business, with only a few rooms now used exclusively for private use, it is recognised that there is a need to regularise the mixed use of the property as a private dwelling with a C2 charitable training/ retreat centre providing therapy/ classes with associated short stay residential accommodation.

Details submitted in support of the application specify that groups of up to 20 visit and spend time at the site. The limit on group size is fixed by the sleeping accommodation available in the main house and adjacent annexe, with guests staying on average 3 days (2 nights). The intention is to provide a 'barn-like' flexible space that can accommodate a variety of group activities plus a dining and food preparation area. From 2015-2019 the business has accommodated on average 655 guests from 168 different churches. The business is a gift-based ministry and a registered charity, operating on an average revenue of approximately £65,000 per year.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2006/00041	Erection of a conservatory & two replacement windows	Approved	21.07.2006
DC/2008/00396	Proposed single storey entrance hall and garden room extension.	Approved	21.05.2008

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 LDP Enterprise and Economy
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
S15 LDP Minerals
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

E3 LDP Working from Home
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside
T2 LDP Visitor Accommodation outside Settlements
SD3 LDP Flood Risk
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
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
M2 LDP Minerals Safeguarding Areas
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

Caerwent Community Council - Approve

Natural Resources Wales - No objection if specific conditions are imposed.

We consider the FCA submitted has demonstrated the risks and consequences of flooding can be managed to an acceptable level

The site is adjacent to Combe Valley Woods Site of Specific Scientific Interest (SSSI) concerns are raised that the proposed development, may damage the features of the Combe Valley and recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI. A Construction Environmental Management Plan (CEMP) should be requested by condition.

We note the proposal intends to dispose foul water to Castrogi Brook via a new package treatment plant. The site is located within The Great Spring Source Protection Zone (SPZ). The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit.

MCC Highways - No objection

MCC Ecology No objection subject to conditions

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of site notices. Letters have been received from six addresses and are summarised under the following issues:

Principle

Conditions should be imposed to limit the number of people using the site and any potential alternative use or alternative buildings can be used such as the local village hall.

The enterprise at The Cwm does not greatly benefit the local economy; there are concerns this will increase footfall with the intensification of the use.

Design

Out of keeping with character of area and the building seems materially over specified for what is required. The scale will be intrusive, contrary policy LC1 and LC5; it is unlikely to be assimilated into the surrounding countryside and, contrary to policy RE6; it is not based around an existing building. The proximity of the building and the sewerage system so near to the stream is a concern.

Amenity

Disruption during construction for foundations and water treatment plant

Potential noise from increased activity

Highway Safety

Increase in traffic volumes

Inadequate access and parking provision - the lane is very narrow and used by pedestrians

The lane is subsiding and cannot cope with the increase in traffic.

Ecology

Will adversely affect local wildlife

Will not protect the SSSI contrary to LDP policy NE1

The new building will contribute to light pollution in the area, disturbing the local fauna

Increase in pollution

Flooding

Increased flooding to neighbouring property as the gravel pit and holding ponds are very close to neighbour's boundary
Increase in flooding over recent years

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 Strategic & Spatial Choices

6.1.1 Principle of Development

The application seeks full planning permission to regularise the use of the dwelling as a mixed use private dwelling (C3) with charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2) and the development of a detached outbuilding to be used for purposes ancillary to the existing business.

As the development will regularise visitors staying overnight at the property and provide ancillary facilities to allow them to attend the classes from there, the proposal can also be evaluated against tourism policies. However, as the business is already being run from the main dwelling policies S8 - Enterprise and Economy and E3 - Working from Home are also of relevance.

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". However, it does note 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; and
RE6, Provision of Recreation, Tourism and Leisure Facilities in the Open Countryside

Policy S10 seeks to sustain and regenerate the County's rural economy by enabling the provision of rural enterprise and diversification where appropriate. It identifies that development which enables the diversification of the rural economy will be permitted outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Although emphasis is placed on the reuse and adaptation of existing buildings, the policy does allow for new buildings under exceptional circumstances which are controlled under subject specific policies including RE6.

Policy S8 of the LDP supports development proposals that seek to deliver the Council's vision for sustainable economic growth while policy E3 relates to working from home. Policy E3 specifies that proposals to allow a small business to operate from home will be permitted provided it can be demonstrated that there will be no adverse impact on the local amenity and/or character of the area.

Policy S11 advises that development proposals that provide or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations.

Policy T2 identifies that the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings

Details submitted in support of the application indicate that the business actively draws visitors to the area, operating within the accommodation capacity of the existing dwelling and annexe. Although

guests engage with planned activities, they are also encouraged to interact with the wider area, visiting tourist sites and local businesses. Although outside the defined development boundary the use of the existing dwelling as serviced visitor accommodation aligns with the re-use and adaptation of an existing property in line with the requirements of T2. The outbuilding proposed as part of the current application would be used to provide ancillary and incidental space for the existing building (in line with policies RE6 and LC1).

On this basis the application is considered compliant with policies S8, S10, S11, RE6, T2 and E3 and is acceptable in principle, subject to the proposal satisfying a number of material considerations.

6.1.2 Good Design/ Place making

As no alterations are proposed to the external appearance of the main dwelling, this aspect of the report will focus on the proposed outbuilding.

A number of public concerns have been raised with regards to the scale and design of the proposed outbuilding. Whilst a request was made to reduce the scale of the building, the applicant has advised that the structure as proposed is necessary to support the existing enterprise and has requested the application be determined in its current form. Although relatively large, it is considered that the design of the outbuilding has drawn inspiration from simple and functional barn type structures and would be of a size and scale proportionate to the existing dwelling and wider land holding. Although visible from the lane to the west, it is considered that the development would appear subservient and proportionate in massing relative to the main dwelling and landholding and would make use of external materials (timber cladding and a sheeted roof) that would emphasise its secondary and ancillary use.

Whilst criterion b) of policy LC1 specifies that new buildings, wherever possible, should be located within or close to existing groups of buildings, in this instance siting is limited by the linear form of the overall site on the valley floor, adjacent to the stream and the topography of the wider area that falls steeply from west and east. Given the position of the outbuilding adjacent to the main driveway and the consistent boundary features along the western side of the site, it is considered that the development would appear as a logical part of the residential curtilage.

On the basis of the above the application is considered compliant with LDP policies S13, S17, LC1 and DES1

6.1.3 Impact on Amenity/ Promoting Healthier Places

As specified above the building would be located within the southernmost part of the property's curtilage. Not including the host dwelling, a minimum distance of 280m would be maintained between the outbuilding and the closest residential property. As such it is considered that the development would not generate any increased overshadowing, loss of light, increased overlooking or infringement of privacy to those living closest to the site.

A further objection has been raised in respect of noise arising from the use of the building having a detrimental impact on walkers' amenity. The development would be of cavity wall construction, clad with timber. As such it is considered that noise spill from the use proposed would be minimal. Furthermore, it is noted that a minimum distance of 8m and existing landscaping would be maintained between the outbuilding and the lane. As a result it is considered that the development would not be so overbearing or oppressive to users of the lane to warrant refusal of the application on such grounds.

On the basis of the above, the application is considered compliant with LDP policies S13, S17, EP1 and DES1.

6.2 Active and Social Places

6.2.1 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, the site is already in full and active use with the proposed outbuilding seeking to provide ancillary facilities to support the enterprise. It is considered that the approval of the proposal would assist in the maintenance of the enterprise and its impact with regards to sustainability is on a small scale that would not be so detrimental to warrant refusal of the application.

6.2.2 Access / Highway Safety

Details submitted in support of the application specify the following:

The Cwm has three existing points of access that bridge the watercourse, with two of these being connected to one another by a private drive. The driveway provides an 'in and out' route enabling vehicles to re-join the public highway in a forward gear. The site of the proposed outbuilding is located immediately adjacent to the southern-most access, at the bottom on the main drive.

The main drive is approximately 60m long and can accommodate 12 cars, with space for a further 4 cars in close vicinity to the house and annexe. Further to this a small parking area has been created at the most northerly access point to the property. This can accommodate 6-8 cars with space to turn and connects to a second 60m stretch of driveway that the owners have not previously needed to use for parking. Immediately to the front of the proposed outbuilding a new disabled parking space will be allocated for ease of access to the facility.

As part of their response, objectors have raised concerns with regards to increased traffic generation, the suitability of the access leading to the site and inadequate parking provision. Following the consultation the agent has confirmed that the number of visitors to The Cwm is limited to 20 people because of the available sleeping accommodation in the house and annex. The business operates on a residential course basis only.

The Council's Highways Department has raised no objection to the application noting that the application site has a lengthy private drive and the formal parking arrangements within the site are more than capable of accommodating the level of parking and servicing requirements. They confirm that the proposal is not considered to be detrimental to the safety and capacity of the immediate highway.

Being mindful of the above and the extant nature of the business, it is considered that provision of ancillary facilities to support the enterprise would not generate an increased number of vehicle movements or demand for parking which would be detrimental to the highway safety of the area. However, given the size of the outbuilding proposed and the facilities within, it would be possible for the dwelling and outbuilding to be used independently of each other, which in turn could have a detrimental impact on highway safety and the free flow of traffic along the lane and within the wider highway network. As a result it is considered necessary to condition that the outbuilding only be used in conjunction with The Cwm.

Whilst objectors have questioned the need for the proposed outbuilding given the availability of other facilities in the area, it is identified that providing the building within the curtilage would help the space to be used throughout the year and would reduce vehicle movements to and from the site, to the benefit of highway safety.

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

6.2.3 Recreational Spaces

Whilst the proposed outbuilding would be relatively large and would be positioned within the residential curtilage, sufficient amenity space would be retained between the building and dwelling and around the dwelling as a whole to prevent the appearance of overdevelopment.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

Objectors have questioned the economic viability of the development and the benefits it brings to the area. Issues with regards to commercial viability are not a material planning consideration in this instance. It is considered that the retention of the existing business and provision of ancillary space would have a proportionate but beneficial impact in relation to economic investment and development in the area.

6.3.2 Tourism

As specified above, 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.

It is considered that the regularisation of the use and provision of ancillary facilities would help secure and enhance the enterprise and would offer a form and type of tourism not immediately available in the wider area.

6.3.3 The Rural Economy

In conjunction with policies RE6 and T2, the application is considered to represent a form of rural enterprise that would be operated in a manner complementary to and in keeping with the wider rural economy.

6.3.4 Energy

The existing dwelling is served via main electricity and tanked gas/ oil central heating. It is likely that the proposed unit would be served in a similar manner. Although not indicated on the plans, micro-generation equipment could be installed under Part 40 (domestic) and part 43 (non-domestic) permitted development rights. At this time, it is considered unreasonable to propose the removal of such allowances.

6.3.5 Minerals / Waste

The site is located in a minerals safeguarding area as designated under Policy M2. There is however a need to provide a buffer to protect existing residential dwellings in the locality from the impact of minerals working. As a consequence minerals extraction would not be feasible in this location. It is therefore considered that the development proposed would not sterilise the land beyond the existing buffer zone and the application is compliant with policies S15 and M2 of the LDP.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

As the main dwelling is existing it already has a visual impact forming part of the established landscape. As no alterations are proposed to the dwelling, it is considered that regularising the use would not have an impact on the character and appearance of the area.

Although the proposed outbuilding is large and would be visible from the lane, it would be largely screened in the wider landscape by its position on the valley floor, the topography that falls down towards the development and the extensive native deciduous woodland on the slopes to the west and east. Although located approximately 65m away from the host dwelling, given the size of the curtilage the proposal would read as an ancillary structure positioned within the established and maintained residential curtilage.

Although concerns regarding visual impact are acknowledged these would mostly be limited to the lane users, adjacent to the site. On balance it is considered that the development as whole would not cause a significant visual intrusion; an adverse change in the character of the built or natural landscape; would be sensitively and sympathetically sited within the landscape; would not introduce or lead to an intensified level of use that would be incompatible with its surroundings. The application is therefore considered compliant with the requirements of policies LC1, LC5 and DES1 of the LDP.

6.4.2 Green Infrastructure

The site of the proposed outbuilding forms part of the existing residential curtilage, which was cleared and levelled in 2018. Although the land to the east of the site forms part of the Coombe Valley Woods SSSI which is also protected by a Tree preservation Order, no further green infrastructure would be lost as a result of the proposal.

6.4.3 Biodiversity

As specified above, the application site is located to the west of a SSSI known as Coombe Valley Woods. A phase one survey submitted in support of the application concludes that the site of the development has negligible ecological value with the site of highest ecological value being the brook to the east. The report does identify that the development does have the potential to impact bats and otters and recommends a number of mitigation measures to include the incorporation of bat boxes into the design; good building practices to be adopted during the construction phase such as covering of all deep holes and trenches overnight and / or the provision of planked escape routes; any liquids held on-site should be stored in a secure lock-up; invert coils being incorporated into the shrub beds to increase the prospects of invertebrate biodiversity and to improve habitats for small mammals, hedgehogs, etc., and the provision of hay bales along the edge of the surface works adjacent to the culverted brook to prevent spillage, runoff and increased siltation of the watercourse. This report could form one of the approved documents for any development of the site.

Natural Resources Wales (NRW) responded to the consultation stating that the adjacent Coombe Valley Woods SSSI is notified for its ancient semi-natural high forest and old coppice with standards that contain important examples of calcareous woodland types with a diversity of canopy trees. NRW raised significant concerns that the development would damage these special features of the SSSI and recommended that planning permission was only granted with an appropriate condition to avoid damage to the SSSI. NRW have suggested a condition requiring the submission of a Construction Environmental Management Plan (CEMP). In addition they request a condition controlling lighting externally.

Following review of the application, the Council's Ecology Officer raised no objection agreeing the proposed conditions including a CEMP, prevention of vegetation removal during bird nesting season, lighting conditions and details of biodiversity net gain to be submitted and approved in writing.

On the basis of the above and subject to the imposition of conditions, the application is considered compliant with LDP policies S13 and NE1.

6.4.4 Flooding

The application site is located within a C2 flood zone. As the application specifies that the outbuilding would only be used for ancillary purposes to the business, with no residential accommodation included, the proposal has been categorised by NRW as less vulnerable development. Following the submission and review of an initial and subsequent Flood Consequences Assessment which included modelling data, NRW have raised no objection to the proposal noting:

"The revised FCA, prepared by PHG Consulting Engineers, Revision B, project number 1991, dated 14 September 2020, proposes a finished floor level of 45.85m AOD. The predicted flood depth for the 1% CCA with blockage event is 45.82m AOD, therefore the development is predicted to be flood free during this event and is compliant with A1.14 of TAN15.

In terms of A1.15 criteria, during the 0.1% flood event, the maximum flood depths to the building are predicted to be 450mm. This meets the criteria of A1.15 guidance. The FCA has proposed the management of flood risk by recommending the provision of an evacuation plan.

We consider the FCA has demonstrated the risks and consequences of flooding can be managed to an acceptable level, subject to the imposition of conditions”.

In line with the tests provided as part of TAN15 it is considered that the proposal will contribute to employment objectives to sustain an existing region; it concurs with the aims of PPW and meets the definition of previously developed land and the potential consequences of a flood event for the particular type of development have been considered. In terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

In light of the documents submitted and consultation response received the application is considered compliant with LDP policies S12 and SD3.

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

The application indicates that foul water would be disposed of to the Castroggi Brook via a new package treatment plant. The site is located within The Great Spring Source Protection Zone (SPZ). SPZs are designated by Natural Resources Wales to identify those areas close to drinking water sources that are at highest risk of contamination. Whilst the regulation of the foul water disposal systems is dealt with via legislation outside of planning control, an informative note regarding the need to apply for an environmental permit from NRW could be imposed on any grant of consent.

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.

On the basis of the above and subject to the imposition of advisory notes, the application is considered compliant with LDP policies S12 and SD4.

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

Following consultation Caerwent Community Council have recommended the application be approved. Whilst letters of objection have been received from six households, the matters raised have been addressed above.

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 WCFG Act.

6.7 Conclusion

It is considered that the regularisation of the use of the dwelling to provide serviced accommodation is considered compliant with the requirement of LDP policies S11 and T2. Although the proposed outbuilding, which is to be used to provide ancillary space and facilities to the existing dwelling and enterprise is fairly large, on balance it is considered that the proposed building would be of a scale and design, ancillary, proportionate and subservient to the existing dwelling and wider landholding. Although the development would be visible from the lane adjacent to the site, the development would not be so visible in the overall landscape to be considered detrimental to the overall character, appearance or use of the wider area. It is also considered that the development proposed would

not have a detrimental impact on highway safety and subject to conditions the development would not have a detrimental impact on the biodiversity and ecology value of the application site or wider area and would not cause or exacerbate the risk of flooding in the wider area.

On the basis of the above, the application is considered compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to 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 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

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

4 The building hereby approved shall only be used in conjunction with the dwelling known as The Cwm, outlined in red on the on the approved site location plan. The building shall only be used in conjunction with the Cwm and maintained as such in perpetuity. The buildings shall not be separated from each other.

REASON: The out building is only reasonably necessary relative to the use of Ty Mawr as a business premise. Severing the buildings 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 RE6, LC1 and EP1.

5 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- o Risk assessment of potentially damaging construction activities.
- o Identification of "protection zones".
- o Construction methods: details of materials, how waste generated will be managed.
- o General site management: details of the construction programme, including timetable, details of site clearance, details of site construction drainage containment, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- o Control of nuisances: details of restrictions to be applied during construction, including timing, duration and frequency of works; measures to control light spill and conservation of dark skies.
- o Resource management: details of waste generation and its management; details of water consumptions and wastewater use.

- o Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- o Biodiversity management: species and habitats protection, avoidance and mitigation measures.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- o 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 the interest of the Combe Valley Woods SSSI and associated Ancient Woodland, and species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and in compliance with LDP policies S13, NE1 and EP2.

6 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird and dormouse nesting and bat roosting provision, identifying location, positioning and specification. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

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 installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA. Any lighting installed shall be in accordance with the approved details.

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

8 No removal of vegetation such as hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and in compliance with LDP policy NE1.

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 otters . Please note that the granting of planning permission does not negate the need to obtain a licence.

2 Prior to the installation and operation of a private sewerage system, an environmental permit must be gained from Natural Resources Wales. Further information is available via: <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/register-your-septic-tank-or-small-sewage-treatment-plant/?lang=en>

3 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. Further information is guidance is available via: <https://www.monmouthshire.gov.uk/sab/>

E-mail us: SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01633 644708

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

4 The Ancient Woodland Inventory identifies woodlands that have existed since at least 1600. Studies show that woodlands that have had a continuous woodland canopy are typically more ecologically diverse and of a higher nature conservation value than more recent woods or those where woodland cover has been intermittent.

Woodlands provide habitat, food and shelter for protected and priority species, including dormice, badgers, bats (including tree roosts and/or foraging habitats) and birds (including species listed on Schedule 1 of the Wildlife and Countryside Act 1981). Woodlands also perform regulatory services such as acting as a sink for carbon sequestration and naturally retaining water in the landscape. The retention and enhancement of these functions is essential to maintain ecosystem resilience.

5 Bats- Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately (0300 065 3000).

Reptiles - 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 the course of the works, all works should cease and an appropriately experienced ecologist must be contacted immediately.

Great Crested Newt - 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.

Hazel Dormouse - 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.

Nesting birds- 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.

Otter - 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.

Hedgehog- Please note that the hedgehog is protected under schedule 6 of the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to kill or capture wild hedgehogs, with certain methods listed. They are also listed under the Wild Mammals Protection Act (1996), which prohibits cruel treatment of hedgehogs.

The Hedgehog is a Priority Species under Section 7 of the Environment (Wales) Act 2016 identified as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The hedgehog has also recently been listed on the IUCN red list as vulnerable (2020).

Application Number: DM/2020/01157

Proposal: Demolition of existing dwelling and construction of replacement dwelling

Address: Red Barn Farm, Crick Road, Shirenewton, NP16 6LS

Applicant: Mr D Adams

Plans: All Proposed Plans (PP) 01A - Plans and Elevations, Site Plan (PP) 02 - Existing Block Plan, Site Plan (PP) 03A - Proposed Site Plan, Location Plan (PP) 04 - Site Location,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young

Date Valid: 18.08.2020

This application is presented to Planning Committee at the request of Cllr Brown.

1.0 APPLICATION DETAILS

1.1 Site Description

Red Barn Farm is located in the open countryside approximately 1.5 km to the south-east of Shirenewton on the Crick Road. The farm has its own access off Crick Road and comprises several large agricultural buildings, a waste transfer yard and a small chalet in a poor state of repair. The site is located within a Minerals Safeguarding Area. The chalet building, which is now uninhabitable, was granted temporary planning permission on appeal in May 1997. The permission was for the retention of the mobile home subject to a condition that it be removed after a period of three years from the date of the decision. The chalet should therefore have been removed from the site by 14 May 2000. The chalet was not removed however and in 2016 a certificate of lawful use (DC/2016/00918) was sought for the residential use of the chalet/mobile home which was granted on the basis that the chalet/ mobile home had remained on site in breach of a planning condition in excess of 10 years. In 2018 planning permission was granted for the demolition of the existing chalet and the erection of a replacement dwelling. That approval has not been implemented and the chalet remains in place. The chalet measures 6m by 10m by 2.7m high. It has a flat roof with a wooden frame, wooden panelling and artificial stone. Much of the external panelling is rotten and/or missing, and the roof and soffit boxes are rotten, damp and damaged in several places. The chalet occupies an elevated position.

1.2 Value Added

Following extensive negotiations between officers and the agent, the scale of the replacement dwelling has been substantially reduced.

1.3 Proposal Description

It is proposed to demolish the existing mobile home and construct a replacement three-bedroom family dwelling. The new dwelling would have a hipped roof and a porch to the front. The new dwelling would measure approximately 7.3 metres by 10.8 metres. It would be 4.6 metres to the eaves and have a total ridge height of 6.4 metres. The cubic content of the new dwelling would be 407 cubic metres. The dwelling would be constructed of blockwork, rendered on the outside with some stone detailing and a slate roof. The existing access into the site would be utilised.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DM/2019/00466	Construction of calf rearing unit and workshop extension	Approved	30.10.2019
DM/2019/00467	Demolition of existing dwelling and construction of a rural enterprise dwelling	Withdrawn	26.02.2020
DC/2016/00918	Residential caravan and associated garden	Approved	26.09.2016
DC/2017/01219	Demolition of existing mobile home/chalet dwelling and the erection of a new replacement dwelling.	Approved	09.01.2018
DC/2008/00285	Building of new grain store.	Acceptable	08.04.2008
DC/2009/00442	Retention of use of part of existing farmyard for parking of six no. 32 tonne tipper lorries and the storage of road planings	Approved	03.03.2010
DC/2016/01286	Demolition of existing mobile home/chalet dwelling and the erection of a new replacement dwelling.	Refused	02.02.2017
DC/2012/00381	Erection of 1no wind turbine and associated works	Allowed on appeal	25.01.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design
S15 LDP Minerals

Development Management Policies

H5 LDP Replacement Dwellings in the Open Countryside
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

Supplementary Planning Guidance

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

LDP Policies H5 & H6 Replacement Dwellings in the Open Countryside and Extension of Rural Dwellings SPG April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H5-H6-SPG-April-2015.pdf>

Monmouthshire Parking Standards (January 2013)

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

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council - Refuse.

The same reasons apply as the 2017 refusal

The size and the appearance are not of traditional farmhouse style.

Dwr Cymru-Welsh Water - No comment

It appears the applicant does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. The development may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards.

MCC Highways - No objection

There are no proposals to alter the existing access and driveway and the proposed replacement dwelling will not compromise the available space within the site for car parking. The available parking exceeds the maximum requirement of 3 car parking spaces.

MCC Landscape Officer - No Objection.

Following discussions with the applicant additional plans have been provided to show the biodiversity benefits as well as integrating the scheme more effectively in the localised landscape. Additional conditions have been suggested in relation to a full landscaping scheme and its implementation.

MCC Ecology – No Objection

An updated building inspection recorded no evidence of bats and low potential, supported by an updated dawn and dusk survey where again no evidence of bats was observed. Some evidence of nesting birds was found within the structure and therefore appropriate compensation will be required. Full evidence of net benefit should be provided. Additional conditions are suggested in relation to

the demolition of the existing structure. Following revised plans, it is considered to add a condition to address the net gain.

5.2 Neighbour Notification

No comments received

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Louise Brown

I would be grateful if the above application DM/2020/01157 could be referred to planning committee for consideration of the relevant planning policies.

The application appears to still cover similar background/policy issues as the previous application (DM/2019/00467) which has been withdrawn by the agent, which I also requested to be referred to the planning committee for their consideration, in the light of the assessment report from Mr R. Anstis.

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

A certificate of existing lawful use for residential caravan and associated garden was approved in September 2016, establishing a residential use on this site. Planning permission was subsequently granted for a replacement dwelling in 2018; therefore the principle of residential use is established. The current application seeks to increase the size of the replacement dwelling (previously approved) and therefore is considered against Policy H5 of the LDP - Replacement Dwellings in the open countryside.

As the existing structure is classed as a chalet or mobile home (albeit with residential use) it is important to note that the applicant could lawfully replace the existing chalet/mobile home with a new chalet/mobile home up to the size of a caravan as identified in the appropriate Act.

For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression;

"caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a) length (exclusive of any drawbar): 65.616 feet (20 metres);

(b) width: 22.309 feet (6.8 metres);

(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

Therefore the existing chalet could be replaced by a mobile home without the need for planning permission and that the maximum size for a caravan is 20.0m x 6.8m x 3.05m, giving a cubic content of 415m³. In view of this, it is considered that cubic content figure of 415m³ is the maximum size of any new replacement dwelling. The principle of replacing a residential caravan with a permanent dwelling of the same cubic content is established through precedent.

6.2 Compliance with Policy H5 of the LDP

6.2.1 Contribution of the original dwelling

Policy H5 allows for the replacement of existing dwellings where the original dwelling is not a traditional farm house that is important to the visual and intrinsic character of the landscape and provided that it has not been demolished or abandoned. In this case the residential unit is a very dilapidated timber chalet that has no architectural merit and does not contribute positively to the intrinsic rural character of the area. There are no compelling reasons why the existing chalet should be retained as it adds nothing to the character of the surrounding landscape. The proposal therefore accords with criterion a) of Policy H5.

6.2.2 Design and size of the new dwelling

Criteria on b) of Policy H5 states that the design of the new dwelling should be of a form, bulk, size and scale that respects its setting. Criterion d) states that the replacement dwelling should be of a similar size to the existing. In this case we accept that there is a residential use on the site and the Certificate of Lawfulness approved in 2016 allows for a caravan to be stationed on the site. The maximum cubic content of a caravan could be up to 415 m³.

Following extensive negotiations the proposed dwelling has been reduced from 640m³ to 407m³. Officers considered that a dwelling of over 600m³ failed to comply with criterion d) of Policy H5. When considering the fall-back position of a replacement caravan of 415m³, it was considered that a dwelling with a smaller volume could however comply with the criteria.

The proposed dwelling has a cubic content of 407m³ and therefore complies with criterion d) of Policy H5. The design of the proposed dwelling is simple with a low eaves height and a hipped roof. The symmetrical design with a porch at the front and traditional style windows is considered to respect its rural setting. The finishing materials of render with stone detailing and a slate roof are appropriate for this setting. The proposal therefore accords with criterion b) of Policy H5. The proposed scheme will utilise the existing access and residential curtilage, no extension to the curtilage is required and similarly no additional outbuildings are required. The proposal does accord with criteria c) and e) of Policy H5.

6.2.3 Good Design

Policy DES1 of the LDP requires that the dwelling contributes to a sense of place while its intensity is compatible with existing uses. The design of the proposed dwelling reflects that of a traditional rural dwelling. The dwelling has a low eaves and ridge height and is surrounded by mature trees so that it will not appear visually prominent within the wider landscape even when viewed from the adjacent road. The intensity of the proposal is comparable with the existing residential use and the new dwelling will assimilate well into the landscape. The proposed dwelling will not interrupt natural views and panoramas in the area because of its low overall height. It would not be dominant in the landscape, nor will it result in an overly prominent structure. It is considered to respect the rural character of the landscape.

PPW 10 states 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, visual appearance of the development is considered to engage appropriately with its surroundings.

6.3 Landscape

The proposed new dwelling because of its two story nature will be slightly more visually prominent than the chalet it replaces, however it is considered to be an improvement in visual terms and the new dwelling will be surrounded by the existing mature trees on the site which will help to soften the proposal. The proposed small scale of the dwelling and its low ridge height means that it will be satisfactorily assimilated into the landscape, particularly when viewed from the adjacent road which runs from Shirenewton to Crick. The replacement dwelling that was approved in 2017 had a ridge height of 7 metres the current scheme has a ridge height of 6.4 metres so the current scheme will be less visually prominent. The proposed scheme will occupy roughly the same footprint as the approved scheme and will be sited close to the position of the existing chalet. Whilst not within an existing group of buildings the new dwelling will be 27 metres to the south of an existing large

agricultural building and the new dwelling will be seen in this context despite the agricultural building being set at a lower level. The proposed new dwelling because of its design and siting is not considered to have an unacceptable impact on the landscape, heritage or biodiversity of the area. The Council's Landscape Officer has reviewed the revised plans and considers that the proposed development would not have a detrimental impact on the wider landscape. In addition, they suggest relevant conditions to secure appropriate landscaping. The proposed dwelling would be sympathetic and harmonises with the surrounding rural landscape. The proposal therefore accords with the objectives policy LC1 of the LDP which seeks to protect the open countryside from new build development and policy LC5 which seeks to protect landscape character. The proposal would not have an unacceptable adverse impact on the surrounding landscape. The actual detailed design of the dwelling is acceptable, the appearance and finishing materials are appropriate for a Monmouthshire farm and therefore the proposal does accord with PPW10 objective of "Local Distinctiveness"

6.4 Biodiversity

A Bat Survey Report was submitted as part of this current application. Internal and external inspections were carried out in May 2019. The report found that the building is in a very poor condition, with extensive damage and degradation throughout. Though there is access to the soffit boxes and behind the external panelling, many of the areas have significant damp. Regular ingress of wind and water is likely and as such much of the potential access spots are largely unsuitable. Due to the limitations of potential roosting locations within the building, the building has been designated as having low potential. The Emergence Survey found no evidence of bats. The building is considered generally unsuitable for hibernation and the impact on bats is likely to be negligible. The redevelopment of the building is unlikely to result in any impacts on bats and it is considered that an EPS Licence will not be required for the renovation of the building.

A condition has been added to ensure biodiversity net benefit is secured.

6.5 Impact on Amenity

No detrimental residential amenity impacts are anticipated. There is adequate intervening distance as the nearest neighbouring properties to the site are Coalpits which is over 170 metres to the south and Dinwood over 300 metres to the west. As a result there will be no significant overbearing or overlooking impacts resulting from the development of a permanent residential dwelling. The proposal accords with the objectives of LDP Policy EP1 in that it does not adversely affect the privacy, amenity or health of the occupiers of neighbouring properties.

6.6 Highways

The site is served by an existing vehicular access and driveway with ample space within the site for vehicle parking. There are no proposals to alter the existing access and driveway and the proposed replacement dwelling will not compromise the available space within the site for car parking. The available parking exceeds the maximum requirement of 3 car parking spaces. The Highway authority does not object to the proposal for a replacement dwelling on this site and the proposal accords with the objectives of Policy MV1 of the LDP.

6.7 Minerals Safeguarding

The site is located within a Minerals Safeguarding Area for Limestone. Policy M2 refers to the impact on mineral safeguarding resulting from new developments. In this case there is already a residential use on the land which would prohibit mineral extraction. A replacement dwelling would not alter this.

6.8 Affordable Housing

There is no requirement for an affordable housing contribution under LDP Policy H4 as the application seeks a replacement dwelling. No net additional residential units are being created.

6.9 Flooding

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

6.10 Drainage

6.10.1 Foul Drainage

It is proposed that foul drainage will be discharged to a package treatment plant. This is acceptable in a non-sewered area.

6.10.2 Surface Water Drainage

Surface water will be discharged by soakaway. There is sufficient land available to accommodate this. 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 informed of this.

6.11 Response to the Representations of Third Parties and/or Community Council

6.11.1 Councillor Brown raised concerns that the application appears to still cover similar background/policy issues as the previous application DM/2019/00467 which was withdrawn and refers to the assessment report from Mr R. Anstis. That application was for a rural enterprise dwelling which would have been considered against the advice contained in TAN 6. As the application was withdrawn it has no relevance to the current proposal for a replacement dwelling. In this case the applicants are not suggesting that the property is required for an agricultural worker, rather an independent residential dwelling. The assessment report from Mr R. Anstis is not relevant in this case as there is no requirement for an agricultural justification. It is important to note that a residential use has been established on the site via the Certificate of Lawfulness and the previous approval. This application seeks a change in size of the proposed replacement dwelling.

Shirenewton Community Council recommend refusal of the application. This is on the basis of the proposed size and the appearance which the Community Council consider are not of a traditional farmhouse style. Since the original submission the size of the dwelling has been significantly reduced, particularly its height. The Community Council have been re-consulted on the amended design and considered the revised plans at their meeting of the 7th December. The Community Council refer to the previous objections in relation to the principle of a replacement dwelling. They note the reduced size of the proposed dwelling, however maintain their objections based on the non-traditional style and size and raise concerns over ecology and landscape impact.

As noted above, the principle of a dwelling has been established on the site. It is considered that the reduced size and design now complies with policy as explained above.

6.12 Well-Being of Future Generations (Wales) Act 2015

6.12.1 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.

6.13 Conclusion

6.13.1 A certificate of lawful use for a residential caravan and associated garden was approved in September 2016, establishing that there was a residential use on this site. Planning permission was granted for a replacement dwelling in 2018. Therefore the principle of residential use is established. The current application seeks to increase the size of the replacement dwelling. As explained, the

current mobile home can lawfully be replaced with another mobile home (caravan) to a maximum of 415m³. Therefore it is considered that the replacement building should not be larger than a lawfully sited caravan. Following negotiations, the applicant has significantly reduced the volume of the proposed dwelling in line with these parameters. As the scale and impact of the proposals have been substantially reduced, they are considered to comply with the criteria within Policy H5 and are now considered to be acceptable.

This application is considered to be policy compliant and is recommended for approval subject to 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 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 policy H5 of the LDP

4 Prior to development (including demolition, ground works, vegetation clearance) the biodiversity net benefit measures provided on "Proposed Site Block Plan - Ref. [PP] 03B produced by Griffiths Design Architectural Technologists. Dated December 2020" shall be detailed in full, including positioning (height) and specification providing for the future management and an implementation timetable. The details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

5 LANDSCAPE CONDITION

Prior to the commencement of development full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- o Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels

- o Proposed and existing utilities/services above and below ground.

- o Soft landscape details shall include: means of protection, planting plan, specifications, number and density including cultivation and other operations associated with tree, hedge, grass and wildflower establishment.

- o Minor artefacts and structures (e.g. Refuse or other storage units, fencing and lighting).

- o A landscape management plan to inform a 5 year landscape establishment period clearly identifying areas of responsibility

Reason : In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan

6 . LANDSCAPE WORKS IMPLEMENTATION

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

7 . LANDSCAPE MAINTENANCE

A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation

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 building(s) 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 ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

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Penderfyniadau ar yr Apêl

Ymweliad â safle a wnaed ar 09/11/20

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 1st December 2020

Appeal Decisions

Site visit made on 09/11/20

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 1st December 2020

Appeal Ref: APP/E6840/A/20/3258606

Site address: 13A Fosterville Crescent, Abergavenny, NP7 5HG

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 Mike Giles against the decision of Monmouthshire County Council.
- The application Ref: DM/2019/01214 dated 26 July 2019, was refused by notice dated 8 July 2020.
- The development proposed is described as: The proposed development necessitates the demolition of the existing corrugated arched tin shed and replacement by a two-storey residential dwelling.

Appeal Ref: APP/E6840/E/20/3258605

Site address: 13A Fosterville Crescent, Abergavenny, NP7 5HG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr Mike Giles against the decision of Monmouthshire County Council.
- The application Ref: DM/2019/01215 dated 26 July 2019, was refused by notice dated 21 August 2020.
- The demolition proposed is described as: The proposed development necessitates the demolition of the existing corrugated arched tin shed and replacement by a two-storey residential dwelling.

Decisions

APP/E6840/A/20/3258606

1. The appeal is dismissed.

APP/E6840/E/20/3258605

2. The appeal is dismissed.

Procedural Matter

3. Notwithstanding the information given in the original application forms, I have taken the descriptions of development from the Council's Decision Notices, which more succinctly describe the nature of the proposals.

Main Issue

4. For both appeals, the main issue is whether the proposals would preserve or enhance the character or appearance of the Abergavenny Conservation Area (CA).

Reasons

5. The appeal site is occupied by a concrete and brick garage topped with a convex tin roof, set back from the street by a gated driveway. The site appears unkempt, with the garage in poor condition and mature vegetation to either side. Situated within the Abergavenny CA, the site lies at the top of a rise on Fosterville Crescent. To its north is the semi-detached dwelling of Morningside, the last in a row of late 19th and early 20th two-storey villas and terraces which retain much of their original appearance. More modern residential infill developments lie immediately south and west.
6. As described in the Council's appraisal of the Abergavenny CA, I saw that the historic built form on the east side of Fosterville Crescent forms a cohesive group and exhibits a strong building line which follows the curve of the road. Contributing to this visual unity are the rock-faced stone and yellow brick walls, often topped with soft landscaping, which mark these dwellings' front boundaries and driveways. As a surviving element of the original planned townscape, these boundary treatments make a positive contribution to the character and appearance of the CA.
7. The stone wall which marks the northern edge of the appeal site is contiguous with the front boundary wall of Morningside and visually connected to the ensemble. Whilst not as prominent as the front boundary wall, the side wall is exposed to public view on the approach from Monmouth Road. As with other walls on Fosterville Crescent, it reflects the underlying topography by retaining Morningside's elevated plot.
8. The proposals involve the reduction of the ground level of the appeal site. The submitted plans show a front driveway sloping down from street level, with the proposed dwelling's ground floor over 2 metres below that of the existing garage. The plans indicate that the existing side boundary wall would be retained atop a lower protruding retaining wall, which in combination would measure over 3.5 metres in height near to the proposed dwelling's front elevation. The appeal site's southern extent would accommodate a similar retaining wall.
9. Whilst recessing the dwelling below street level would reduce its apparent height in relation to Morningside, the required retaining walls would appear utilitarian in form. Readily visible from the public realm, their considerable height and stark appearance would draw the eye of those passing the appeal site. Given the plot's constrained width there would be little opportunity to use foliage to soften the walls' blank extent. Moreover, the northern retaining wall would fundamentally alter the visual character of the original side boundary wall, which would sit awkwardly on top of it.
10. The stark appearance of the driveway would be further augmented by the awkward relationship of the dwelling to the void space. The building's eaves would be elevated only moderately above the top of the retaining walls, with significantly limited space between the walls and the dwelling's flank elevations. The recessed siting of the dwelling would consequently appear contrived and wholly at odds with the prevailing topography. Whilst front boundary gates would provide some screening against these intrusive and discordant visual attributes, when they were open the harm to the CA would be apparent from public viewpoints on Fosterville Crescent.
11. I note that the Council does not object to the demolition of the existing garage or to the appearance of the proposed dwelling. I too do not find these aspects of the

proposal to be troubling in themselves. The demolition of the garage would, in my view, have a moderately positive impact on the character and appearance of the CA. The profile of the proposed dwelling would also be a modest improvement on that of the existing structure. However, the benefits of the proposal would be clearly outweighed by the identified harm to the CA caused by the proposals' austere and extensive retaining walls and the contrived siting of the dwelling below street level, which would be injurious to public vistas of Fosterville Crescent. As advised by Technical Advice Note (TAN) 24 'The Historic Environment', the proposed replacement development is a material factor in my assessment of the conservation area consent appeal for the garage's demolition.

12. I have had regard to the planning permission cited by the appellant (Ref: DC/2016/01203) for a dwelling on Sunny Bank. However, the two schemes differ materially. The replacement dwelling at Sunny Bank is not recessed to the same degree, with local topography and boundary treatments differing from the appeal site. As planning proposals are considered on their own merits, I afford limited weight to this existing permission and have proceeded to determine the appeals with regard to the individual circumstances of the case.
13. I recognise that the appellant has sought to respond to the Council's advice in relation to matters such as scale, size, massing and external materials. Nonetheless, having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, for the reasons above I conclude that the proposals would not preserve or enhance the character or appearance of the Abergavenny CA, contrary to policy HE1 criterion (a) of the Monmouthshire Local Development Plan (LDP). For the same reasons both appeal schemes would also be contrary to LDP policy DES1, in particular criteria (e), which amongst other things requires development to respect built views where they include historical features and/or attractive or distinctive built environments.

Other Matters and Conclusion

14. I note that the appellant has agreed to Heads of Terms for a financial contribution towards the provision of affordable housing in the local area, as required by LDP policy S4 and consistent with the guidance in the Council's Affordable Housing Supplementary Planning Guidance. However, as no completed legal agreement has been submitted, I am not able to attribute this any weight as a benefit. Whilst the provision of a market dwelling on a brownfield site within an area of identified need carries moderate weight as a benefit, this does not outweigh the identified harm to the CA.
15. I have considered the other matters raised but none alter my decision. For the reasons given above I conclude that the appeal should be dismissed.
16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

Paul Selby

INSPECTOR

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/12/20

gan **J P Tudor, BA (Hons), Cyfreithiwr (ddim yn ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17th December 2020

Appeal Decision

Site visit made on 01/12/20

by **J P Tudor, BA (Hons), Solicitor (non-practising)**

an Inspector appointed by the Welsh Ministers

Date: 17th December 2020

Appeal Ref: APP/E6840/D/20/3262219

Site address: Horseshoes Barn, Great Park Farm, Great Park Road, Llanvihangel Crucorney, Abergavenny, Monmouthshire, NP7 8EH

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 F. G. Adams against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/00500 dated 9 April 2020, was refused by notice dated 7 August 2020.
- The development proposed is link extension and driveway alterations.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons

3. The appeal site lies amongst a small group of properties in a rural location surrounded by agricultural fields. It comprises a barn which has been converted to residential use and, on slightly higher ground, a separate sizeable former agricultural building, which now accommodates a workshop space, gym and utility room. Some of the other surrounding residential properties also appear to have been converted from former agricultural buildings.
4. It is proposed to extend the barn conversion with a link block connecting it to the large agricultural style building to the south. As that link unit would occupy the current space between the two existing buildings, it would block the vehicle access to the rear of the site. Therefore, it is also proposed to alter the driveway and create an opening within the west elevation of the agricultural style building, to form a covered vehicular access through that building to the rear of the property.

5. As the appeal site is outside any settlement identified in the Council's Local Development Plan 2011-2021 (LDP)¹, it is considered to be in the open countryside, where development is strictly controlled in recognition of the need to protect the character and quality of the rural environment.
6. The existing stone barn conversion consists of a larger two storey element to the front, with its gable end facing the road, and a long single storey section to the rear. Subsequently, two single storey extensions have been added, one to the front² and the other to the side³ of the main two storey element. Although those additions have altered the building's appearance, its rural agricultural barn lineage remains legible from its basic design, form and context.
7. Policy H4 of the LDP deals specifically with the 'Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use' and sets out various criteria which should all be met for such development to be permitted. The policy indicates, amongst other things, that the criteria should be applied strictly and that they are also applicable to proposals to extend buildings that have already been converted.
8. Therefore, Policy H4 is relevant to the appeal proposal. Criteria a) indicates that the form, bulk and general design of the proposal, including any extensions should respect the rural character and design of the building, while criteria f) says that only very modest extensions will be allowed.
9. As modest is not defined in Policy H4, the appellant maintains that Supplementary Planning Guidance (SPG)⁴ concerning replacement dwellings and extensions to dwellings in the countryside can assist. However, the appellant also acknowledges that the SPG specifically states that it is not relevant to extensions to dwellings previously converted from barns. Therefore, I give it no weight in relation to this appeal, which concerns an extension to a converted barn.
10. Given the above, it is reasonable to consider the word modest in terms of its dictionary definition which, in this context, is 'relatively moderate, limited or small' or 'not large'.⁵ Ultimately, its appropriate application is a matter of planning judgement based on the particular proposal and circumstances.
11. The appellant considers that the proposed single storey link unit would be modest in size. However, it would be added to an existing kitchen extension, which already extends the original barn noticeably to the south. While the link structure may not be particularly large in itself, it would be read with the existing side extension. The cumulative effect, when considered with the existing side and front extensions, would not be very modest. Enlarging the building's footprint further in this piecemeal fashion would be unsympathetic and detrimental both to the character and design of the original barn and the existing building.
12. In physically connecting the dwelling to the substantial agricultural-style building to the south, itself about 20 metres wide, the proposed link block would create a long, single, continuous built form, branching out at an angle from the side of the already extended dwelling. The appellant suggests that public views would be limited but, notwithstanding intermittent screening from hedgerow as the land rises to the south,

¹ Adopted 27 February 2014

² DC/2015/00858

³ DC/2012/00213

⁴ April 2015

⁵ Oxford University Press: <https://www.lexico.com/>

the joined buildings would appear visually prominent and incongruous, particularly at the wide entrance which offers clear sight lines from the public highway.

13. The visual break offered by the space between the existing buildings would be lost, along with views towards the original side elevation of the barn. The extension would create a combined built form, consisting of a sprawling series of linked blocks of different shapes, sizes, heights and designs, that would appear awkward and unattractive in this rural setting and diminish the character of the original barn. The use of materials similar to those in the existing buildings would not sufficiently mitigate those adverse effects.
14. Other linked buildings to the north of the appeal site, said to have been formerly separate agricultural buildings, are referred to by the appellant. However, I have very limited details of those schemes or the circumstances that may have led to them being accepted, and so cannot be sure that they represent a direct parallel to the appeal proposal, in relation to scale, effect or local development plan policy. In any event, the layout and relationship of those buildings appears different from the appeal site and all proposals have to be judged on their individual merits and in their particular context.
15. Although the appellant considers that the linking unit would provide a clearly identifiable front entrance and weather porch for the property, I am not convinced that a structure to the side of the main dwelling, shoehorned between it and the agricultural shed-like building, would successfully perform that function in visual terms. Furthermore, there may be other ways in which that issue could be addressed, without causing the harm associated with this scheme.
16. It is submitted by the appellant that, as the Council has not found that the proposal would adversely affect residential amenity, which normally concerns the living conditions of nearby occupiers, it is in some way inconsistent for it to have found harm in terms of visual impact. However, I see no necessary or inevitable relationship between those types of harm which, as the appellant appears to accept, are different concepts.
17. The appellant also submits that LDP Policy H6 is relevant to the appeal but the explanation of that alleged relevance is limited. Although Policy H6 relates to extensions to rural dwellings, Policy H4 is specifically concerned with conversions and proposals to extend converted buildings. Moreover, Policies H4 and DES1 form the basis of the Council's reasons for refusal and I consider them to be the LDP policies most directly relevant to this appeal.
18. Overall, therefore, I conclude that the proposed development would harm the character and appearance of the host dwelling and the area. It follows that it would fail to comply with Policy DES1 of the LDP which seeks to ensure that development is of high quality sustainable design and respects the local character and distinctiveness of Monmouthshire's built, historic and natural environment. The proposal would also be contrary to Policy H4 of the LDP, which similarly aims to protect the open countryside, with the most directly relevant criteria already detailed above.
19. Although the Council does not appear to object to the driveway alterations and I take a similar view, there would be no merit in allowing those aspects in a split decision.

Conclusion

20. For the reasons given above and having regard to all other matters raised, including the lack of objection from the Community Council, I conclude that the appeal should be dismissed.
21. 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 ('the Act'). I consider that this decision is in accord with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

JP Tudor

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/11/20

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 9th December 2020

Appeal Decision

Site visit made on 24/11/20

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 9th December 2020

Appeal Ref: APP/E6840/D/20/3261603

Site address: Rear Barn, Manor Farm, St. Bride's Road, St. Bride's Netherwent, Caldicot, NP26 3AT

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 Jon Moore against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/00537 dated 17 April 2020, was refused by notice dated 3 September 2020.
- The development proposed is two-storey domestic extension to existing dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. There are some discrepancies between the dimensions of windows shown on the proposed elevations (ref: 1495:SK:10:04) and those included on the floor plans (ref: 1495:SK:10:02). For the avoidance of doubt, and having regard to the Council's reason for refusal, I have determined the appeal principally with reference to the proposed elevations (ref: 1495:SK:10:04).

Main Issue

3. The main issue is the effect of the proposal on the area's character and appearance.

Reasons

4. The appeal site forms part of the rural hamlet of St. Bride's Netherwent, which is set within an attractive valley landscape of wooded ridges and open farmland. The site lies outside any settlement designated by the Monmouthshire Local Development Plan (LDP). For the purposes of the LDP, therefore, it lies within the open countryside.
5. St. Bride's Netherwent has a somewhat dispersed character, albeit with some clustering of built form, with dwellings typically lining the rural lane which runs north/south. Some of these dwellings are purpose-built as such, whereas others are converted from original agricultural buildings, as is the case with the appeal building. As an ensemble, the built form of the hamlet exhibits an intrinsically rural character and treads lightly on the landscape of which it forms part of.

6. I am informed that Rear Barn has been subject to two extensions, including when it was originally converted to a dwelling in 2006. This evolution of its built form was evident on my site visit, but it retains the appearance of a modest, stone-built building typical of a rural farmstead, and contrasts with the more ornamented architecture of the purpose-built dwellings to the north and south. This juxtaposition of traditional architecture reinforces the hamlet's rural character.
7. LDP policy H4 is entitled 'Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use' and sets out criteria for assessing relevant proposals. The policy states that these criteria will be applied to proposals to extend buildings that have already been converted. Amongst other things, criteria (a) and (f) state that conversions of buildings in the open countryside for residential use will be permitted where extensions "respect the rural character and design of the building" and that "only very modest extensions will be allowed". The Council's 'Rural Conversions to a Residential or Tourism Use' Supplementary Planning Guidance (SPG) provides further guidance in respect of this policy's application.
8. The Council estimates that, accounting for the removal of the existing single storey extension, the proposal would represent a volumetric increase of around 65%; or in comparison to the original barn, around 80%. These spatial calculations are not contended by the appellant. Visually, the scale of the proposal would appear significantly greater than the extension it would replace, and it would be considerably more prominent, set back only around 1m from the barn's west elevation. With a height matching that of the existing building and a width only marginally narrower, it would not read as a subsidiary or 'very modest' extension of the building.
9. The proposed extension would largely mimic the rural vernacular of the barn in its mass, materials and the dimensions of its publicly visible windows and doors. The extension would also not expand the built envelope of the hamlet and would not be disproportionate to the size of the site. Nonetheless, the double roof design and the extension's considerable length would fundamentally alter the simple, linear form of the original building, which remains perceptible in views from the lane. Viewed as a whole, the extended building would have a markedly domestic scale and appearance. This would unacceptably erode the intrinsic rural character of the existing building, harming the character and appearance of the hamlet and the wider rural landscape of which it forms part.
10. For the above reasons I conclude that the proposal would not accord with criteria (a) and (f) of LDP policy H4. It would also conflict with LDP policy DES1, which amongst other things requires proposals to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings; and would run counter to the aims of the Council's SPG.

Other Matters and Conclusion

11. My attention has been drawn to a planning permission granted by the Council for a domestic extension which represented a 70% volumetric increase. Whilst the full details of that case are not before me, I note that the officer in that case considered that there would be no harmful intrusive impact on the landscape. For the stated reasons I do not find that to be the case here. I have proceeded to determine the proposal based on the individual circumstances of the case.
12. I note that the appellant seeks to extend his property to provide additional accommodation for his family and, during the application process, amended the design following feedback from the Council. The proposal has attracted support from

Caerwent Community Council, local residents and members of the Council's Planning Committee, which I recognise. I also note that the Council does not allege detrimental impacts on residential amenity, biodiversity and highway safety; and I have no reason to find otherwise. Nonetheless, these matters do not outweigh the identified harm. For the reasons given above I conclude that the appeal should be dismissed.

13. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

Paul Selby

INSPECTOR

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