

# Public Document Pack



Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 5 Ebrill 2021

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 13eg Ebrill, 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 - 12
4.	Ystyried yr adroddiadau Cais Cynllunio canlynol gan y Prif Swyddog Menter (amgaeir copïau):	
4.1.	Cais DM/2020/00720 - Codi tŷ deulawr, dwy ystafell wely yn y lot parcio yng nghefn 11 Stryd y Banc, Cas-gwent. 11 Stryd y Banc, Cas-gwent, NP16 5EN.	13 - 24
4.2.	Cais DM/2020/01076 - Defnyddio'r ysgubor sied wair amaethyddol presennol ar gyfer storio ceir. Fferm Clawdd-y-Parc, Heol y Parc, Llangybi, Brynbuga.	25 - 30
4.3.	Cais DM/2020/01077 - Carafán statig i'w defnyddio fel llety preswyl dros dro (blwyddyn) tra bod gwaith adeiladu'r trosi ysgubor yn cael ei wneud ar Fferm Clawdd y Parc. Fferm Clawdd-y-Parc, Heol y Parc, Llangybi, Brynbuga.	31 - 36
4.4.	Cais DM/2020/01258 - Adeiladu stordy newydd ar wahân gyda swyddfeydd ac ystafell staff. Mounton Brook Lodge, Yr A48, Canolfan Arddio Cas-gwent i Fryn Pwllmeurig, Pwllmeurig, Sir Fynwy, NP16 6LF.	37 - 46
5.	ER GWYBODAETH - Yr Arolygiaeth Gynllunio - Penderfyniadau o ran Apeliadau a Dderbyniwyd:	

**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  
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 Democrataidd 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 Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

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

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

#### **Y Gymraeg**

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

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

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

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

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

#### Ein sir yn ffynnu

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

### Ein blaenoriaethau

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

### Ein gwerthoedd

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

## **Diben**

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

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

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

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

## **Gwneud penderfyniadau**

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

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

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

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

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

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

## **Prif gyd-destun polisi**

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

*Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd*

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

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

#### Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

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

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

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

#### Canllawiau Cynllunio Atodol (SPG):

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

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

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

### Polisi Cynllunio Cyhoeddus

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

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

### **Materion eraill**

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

#### Deddf Cynllunio (Cymru) 2016

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

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

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

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

#### Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

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

#### Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

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

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

(ii) Nad oes dewis arall boddhaol.

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

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

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

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

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

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



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

#### Trefn Troseddu ac Anrhefn 1998

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

#### Deddf Cydraddoldeb 2010

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

#### Mesur Plant a Theuluoedd (Cymru)

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

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

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

### **Pwy all siarad**

#### Cynghorau Cymuned a Thref

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

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

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

#### Aelodau'r Cyhoedd

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

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

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

#### Ymgeiswyr

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

### **Cofrestru Cais i Siarad**

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

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

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

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

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

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

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

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

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

### **Cynnwys yr Arweithiau**

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

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

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

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

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee  
Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

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

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

### **OFFICERS IN ATTENDANCE:**

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

### **APOLOGIES:**

None.

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

County Councillor A. Easson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2020/01872 as he spoke on this matter on behalf of Caldicot Town Council. He then observed proceedings and abstained from voting on this application.

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

The minutes of the Planning Committee meeting dated 2<sup>nd</sup> February 2021 were confirmed and signed by the Chair.

#### **3. Application DM/2020/00881 - Removal of condition 1 from planning consent 2314 (Date of Decision: 01/09/1975) - Occupation of the proposed bungalow shall be limited to a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependent of such person residing with him. Bushes Farm, Chapel Road, Earlswood, Monmouthshire**

We considered the report of the application which was recommended for approval as follows:

The occupancy of the dwelling shall be restricted to those:

- a) solely or mainly working or last working on a rural enterprise in the locality where there is / was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

- b) who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either a) and b);
- c) widows, widowers or civil partners of the above and any resident dependants.

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:

'1. Shirenewton Community Council objects to the entire removal of the Agricultural Occupancy Condition (AOC) but would approve a variation extending it to allow occupation connected to local rural enterprises on the following grounds as we understand that a market gardener has expressed interest in acquiring the property.

2. The site consists of a dilapidated bungalow unoccupied now for some 11 years. The applicant asserts that the property has been on the market for over a year and interest has come from buyers who in the main cannot satisfy the agricultural occupancy condition although an offer of £142000 with the AOC remaining in place was rejected. The applicant has however imposed an overage clause for further money to be paid in the event of discharge of the AOC or the grant of planning permission, which clause does not appear to have been factored into the property valuations by the selling agents nor the District Valuer. The offer of £142,000 demonstrates that the property is saleable albeit not at the price sought by the applicant, which is not a reason for discharging the AOC, neither is the applicant's assertion that the AOC prevents him obtaining a loan for the cost of the renovation work as if correct the applicant's recourse is the sale of the property. We now understand that the offer of £142,000 has been overtaken by a much higher offer from the prospective market gardener. This demonstrates that there are buyers who would fund the work. Indeed we understand the applicant himself only acquired the site (with the farm) in very recent years.

3. That no farm or forest employee has come forward either to buy or rent the property is more an indication of what they can afford. As a community our residents desire housing to be available at a price reflecting what our families can afford. Retaining the AOC constrains the market price making the property more affordable for farm and forest businesses and extending the AOC to rural enterprises would increase the market for such a property. Removing the AOC in its entirety would at a stroke release the property onto the private residential market and the price would jump by some 30%, pricing out any local or rural worker or enterprise. A single property like this is of no interest to the housing associations being too remote to service.

4. We note that the application is for variation or removal of the AOC and we invite Monmouthshire County Council to vary the condition to encompass rural workers and enterprises and / or those with an established local connection – such as families on its housing list.

We are grateful that Monmouthshire County Council rarely discharges its AOC as this plays an important part in maintaining the local landscape character for current and future generations.'

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm**

The applicant, Mr. Richard Harry, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The applicant bought the property at auction in 2016 with plans to renovate it.
- The applicant did not appreciate what impact the existence of the tie would have on his plans.
- Because of the poor condition of the property and that the applicant does not meet the tie in planning terms he has been unable to obtain finance. The minimum renovation costs are significant.
- The applicant explored whether the agricultural tie could be removed and sought pre-application advice from the Planning Department. Planning Department advice was that if the applicant wanted to remove the tie then the property would have to be marketed.
- At this point the applicant determined that he would market the property with a view to selling it if a fair offer could be achieved. If he could not receive a fair offer then he considered that he would have a good case to remove the tie.
- The applicant has been fully transparent with the Planning Department regarding what was being marketed and the guide price of the property and no objections were raised.
- After 12 months the marketing exercise failed to secure a purchaser so this planning application was submitted.
- The test applicable is very simple. Firstly, the Committee has to be satisfied that the marketing exercise has been carried out correctly and planning officers believe this to be the case. Secondly the Committee has to be satisfied that there is no demand for this particular property. This is the point where it is considered by the applicant that the Planning officer's report is incorrect.
- The applicant made the following points with regard to the Planning report:
  - The Planning Department has reached its conclusion that there is demand by classing mere expressions of interest that are claimed to have been heard. This is incorrect. Demand is only proven if there is an acceptable and proceedable offer made by someone who is able to meet the occupancy condition. There is no such demand.
  - The Planning Department considers that there is demand for rural enterprise dwellings in Monmouthshire generally. This is irrelevant for the purpose of determining this application.
  - The evidence submitted by the applicant proves there is no demand for the property as a rural enterprise dwelling. The marketing process sought to establish the background of potential purchasers when an enquiry was made.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm**

No demand has been shown from any rural enterprise workers in the previous 20 months. This means that the removal of the tie is justified under Welsh Government Guidance.

- It was considered that officers have not taken into account the marketing report which should have been the basis on which demand was assessed. Instead, expression of interests have been taken into account.
- What could be a desirable rural property remains unoccupied and deteriorates further.
- The applicant considers that the officer recommendation within the report is incorrect and that complete removal of the tie is justified.

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

- The local Member outlined the planning history of the site.
- Private market housing is available locally but there is a need to retain the supply of rural and affordable dwellings to support the local rural economy and not price rural enterprises out of the market.
- The officer recommendation within the report follows national planning policy in TAN 6 to approve the widening of that tie bringing it up to date to cover a rural enterprise and affordable housing tie.
- If the tie is removed then the property will be sold as a private dwelling at an increased price and will reduce the number of much needed rural enterprises and affordable dwellings needed in this rural farm based area.
- TAN 6 states that when lifting existing agricultural occupancy conditions, the local planning authority should consider replacing the existing agricultural occupancy condition with the rural enterprise dwelling condition to meet the housing needs of rural workers and local people in need of affordable housing.
- There have been more than expressions of interest made in respect of this dwelling. Offers have been made.
- The local Member expressed her support for the officer recommendation as outlined in the report.

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

- Support was expressed for the inclusion of a rural enterprise condition.
- Concern was expressed that imposing the TAN 6 regulation might condemn the dwelling to being empty for an even longer period.



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

- Concern was expressed that the purchase price of the dwelling with the required renovations might be too expensive to purchase for many agricultural workers.
- It was noted that there is not a financial contribution for change of use of commercial buildings into residential properties.
- With regard to this application, there is no opportunity to claim any additional affordable housing contributions for the property.

The local Member for Shirenewton summed up as follows:

- The officer recommendation as outlined in the report should be followed.
- The applicant marketed the property at £200,000. However, the District Valuer valued the property at £185,000. If the tie is removed, its value will be £265,000.
- None of the original applicant's estate agents valuation of 2000 took account of the overage condition that the applicant was placing on the property when offering it for sale. It means that there is equivalent to a penalty clause on the land if a buyer purchased it for £140,000 rather than £185,000 they would still have to pay the seller the uplift if the agricultural tie was removed or the property extended in the next 35 or 50 years, meaning the buyer would have to pay the seller in the region of £40,000 if the new buyer gave permission to remove the agricultural occupancy condition.
- All of this would occur without the applicant having to make any affordable housing contribution if the AOC is removed.
- The enquiry of the housing associations on affordable housing was a 'tick box' exercise.
- It had not been made clear that a housing association could apply to modify the condition.
- The new condition makes it clear that if there is no one eligible for the Rural Enterprise Condition then it can be considered for people eligible for affordable housing.
- The District Valuer was asked after the main report about the extra overage condition and stated that it would be unlikely to have a major impact to the valuation but the only real way of knowing this is if it was marketed without the overage clause. Even if it was advertised without this clause the condition of the property's lack of land it comes with may still deter prospective purchasers. However, despite all of this the offer detailed in paragraph 6.5 of the report has increased to £200,000.
- It is not merely an expression of interest. The local Member considers that the property will not be left to deteriorate. By extending the condition to a Rural Enterprise, it opens the dwelling up to opportunities such as market gardening.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

- There is an interest in this property despite its condition. There are no issues relating to obtaining a mortgage.
- It will be contrary to National Planning Policy not to follow the officer's recommendation as outlined in the report.
- Monmouthshire needs more affordable rural enterprises.

It was proposed by County Councillor L. Brown and seconded by County Councillor M. Powell that application DM/2020/00881 be approved as follows:

The occupancy of the dwelling shall be restricted to those:

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

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

For approval	-	11
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00881 be approved as follows:

The occupancy of the dwelling shall be restricted to those:

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

**4. Application DM/2020/01872 - Change of use of retail shop A1 to A3 take-away (hot) food (resubmission of DM/2019/01648). Cobblers Pride, 9 Newport Road, Caldicot, NP26 4BG**

We considered the report of the application and late correspondence which was

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

recommended for approval subject to the three conditions outlined in the report.

Should the Planning Committee be minded to approve the application, officers recommended that an additional condition be imposed to secure details of the proposed flue to the rear of the unit to ensure amenity issues of third parties are safeguarded and retained in perpetuity.

Councillor A. Easson, representing Caldicot Town Council, outlined the following points:

- Within a quarter of a mile there are 12 food outlets and two public houses. The Town Council had expressed concern that to add an additional outlet would not be a benefit to the town centre.
- Recently, a fresh fruit and vegetable shop was opened within the town centre.
- When the Covid-19 restrictions are removed, the only non-essential properties re-opening in the town centre will be two gift shops, a card shop and a charity shop.
- The Town Council would like the developers to investigate ways of getting retail outlets back into the town centre.
- Consultation is currently underway to enhance the whole of the town centre via major financial input. The Town Council has concerns whether this proposal will fit in with the re-development of the town centre.

Mr. W. Collins, 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:

'These representations are made by Rackham Planning on behalf of the applicant, the owner of an existing Caldicot based business, in support of the application for a change of use from A1 retail to A3 hot food take-away at 9 Newport Road, Caldicot.

We are pleased to note that approval of the application is supported by the case officer, Caldicot Town Team and Highways Development Control.

We consider this proposal would benefit the town centre by bringing a vacant unit back into use, increasing footfall throughout the day and evening, whilst also helping safeguard the future vitality of the town centre. The unit has been vacant for two and a half years and is currently having a harmful impact on the vitality of the street frontage. By being empty the unit is detracting visitors from making a journey to the town centre and offering no support to the aims and purpose of the town centre. Therefore, this proposal offers an opportunity for the unit to have a positive impact by being brought back into use. The proposed opening hours from midday to 23:30 in the evening Monday to Sunday will engage the premises with lunchtime trade and attract footfall throughout the week.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

Whilst noting that Caldicot Town Council recommended the previous application to be approved, we understand their concern that there are already a number of take-aways in the town centre. However, town centres all around the country are in a stage of transition and with the shift to online retailing, there is simply no demand at this time for retail, as evidenced in the marketing assessment prepared by Bladen Property Consultants and the fact the premises has been empty for two and a half years. Put bluntly, there is therefore a choice between an empty unit which has a detrimental impact on the town centre or bringing the unit back into use to generate footfall and provide a service for the community.

Council Policy RET1 provides clear guidance that a change of use to an A3 use is permissible if it can be demonstrated that the proposed use would not harm the vitality of the street frontage, or the premises have been vacant for at least 2 years and genuine attempts at marketing the existing use have been unsuccessful.

Although only one of these criteria needs to be satisfied, we consider that our proposal satisfies both. The proposed use would not harm the vitality of the street frontage, indeed we consider it would improve the vitality of it by being open throughout the day and evening, and the marketing assessment confirms that the premises has been empty for two years and genuine attempts at marketing the unit have been unsuccessful.

We hope that you will be able to support our application made on behalf of a Caldicot based business owner this afternoon. Thank you.'

The local Member for Green Lane ward, also a Planning Committee Member, outlined the following points:

- Town Centres must adapt to differing circumstances.
- In view of the changes that have been made, an empty shop will be occupied by a business and investment and employment will be brought to the town centre.
- The local Member expressed his support for the application.

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

- Concern was expressed that if approval is given to change the unit to A3 use then it will be difficult in the future to change the use back to A1 use.
- Planning Policy Wales (PPW) 11 recognises the periphery of town centres and it is acknowledged that the Local Development Plan (LDP) will need to recognise that town centres are going to have to shrink to concentrate on making unit usage more attractive places.
- Concern was expressed regarding the opening hours on a Sunday and that the hours should be amended so that the proposed A3 takeaway will close at 10.00pm on this day.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

- A Member questioned whether this was the right time to be making a decision on this unit. The unit has been vacant for two and a half years but a year of that time has been during the Covid-19 pandemic whereby non-essential retail has had to close.
- It was considered that there were too many A3 units already located within the town centre which was preventing new businesses from setting up there.
- An additional A3 business will take business away from existing A3 businesses within the town centre.
- In response to a question raised regarding the flue at the rear of the unit, it was noted that a condition would be added to agree full details that would include technical specifications relating to any noise or odour mitigation where Planning officers could consult with the Environmental Health Department with a view to agreeing a condition discharge application.
- The property has been vacant for two and a half years. A functioning shop would be better than having an empty shop with a view to helping towards revitalising the town centre.
- We need to be more relaxed and flexible about change of purpose in order to fill empty units within our towns and to re-energise our high streets.

The local Member summed up by expressing his support for the application.

It was proposed by County Councillor A. Davies and seconded by County Councillor M. Feakins that application DM/2020/01872 be approved subject to the three conditions outlined in the report and that an additional condition be imposed to secure details of the proposed flue to the rear of the unit to ensure amenity issues of third parties are safeguarded and retained in perpetuity. Also, that a further condition be added to ensure the opening hours on a Sunday would be amended so that the proposed A3 takeaway will close at 10.00pm on this day.

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

In favour of the proposal	-	8
Against the proposal	-	3
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01872 be approved subject to the three conditions outlined in the report and that an additional condition be imposed to secure details of the proposed flue to the rear of the unit to ensure amenity issues of third parties are safeguarded and retained in perpetuity. Also, that a further condition be added to ensure the opening hours on a Sunday would be amended so that the proposed A3 takeaway will close at 10.00pm on this day.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

#### **5. Presentation on Future Wales 2040 - The National Plan**

We received a presentation on Future Wales 2040 – The National Plan. In doing so, the following points were noted following questions:

- In terms of Future Wales Policy 1 the Welsh Government supports sustainable growth in all parts of Wales.
- There are three national growth areas with specific areas outlining where employment and housing should be prioritising infrastructure.
- The challenges in Monmouthshire are affordability, age demographic and connectivity. A level of growth is required in order to address our issues and objectives.
- The National Plan is clear in supporting rural locations and the rural economy.
- The key is to create sustainable development and have the right development in the right locations.
- A certain level of growth is required in order to address the key issues such as providing affordable housing.
- The level of development is in line with the National Plan.
- In terms of the green belt, the Strategic Development Plan (SDP) will allocate that land providing a more definitive map of where this development will be located. However, it was acknowledged that further details were required.
- In terms of the Green Belt and the SDP, the Corporate Joint Committee will be developing the SDP. Welsh Government has outlined specific Strategic Development Plan regulations regarding how that plan will develop as well as ensuring that there will be full consultation on the document with local communities and the South East Wales region. The process will be similar to the Local Development Plan consultation process.
- With regard to the growth level, Monmouthshire has local issues and local challenges to address. A key element is ensuring that there is sustainable development with a view to meeting Monmouthshire's housing requirements and to address affordable housing challenges in terms of affordability.
- The Future Wales Plan outlines the need for 110,000 homes across Wales. There are 7605 homes in the proposed option for the replacement plan. There are 2945 new allocations on new sites. Given the scale of Monmouthshire and the challenges that we have, the level of growth is in proportion with the aims of Future Wales.
- For the new Local Development Plan, the projected housing numbers are 450 dwellings per annum.

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee  
Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm**

- The Head of Planning would arrange a Local Development Plan workshop for all Members to attend in respect of the Future Wales 2040 National Plan.

**The meeting ended at 4.18 pm.**

This page is intentionally left blank





**Proposal:** The erection of a two-storey, two-bedroom house in the parking lot at the rear of 11 Bank Street, Chepstow.

**Address:** 11 Bank Street, Chepstow, NP16 5EN

**Applicant:** Ms. Sarah Stockley

**Plans:** All Proposed Plans 140 PL02 Rev G - G, Location Plan 140-PL01 Rev G - G, Site Sections 140-EX01 - , Design and Access Statement - , Elevations - Proposed PL03 A - Rev A, Other 140 - 3 D Views,

**RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Young  
Date Valid: 08.06.2020

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

**1.0 APPLICATION DETAILS**

**1.1 Site Description**

Number 11 Bank Street is a Grade II listed building located within the Chepstow Development Boundary, the Chepstow Conservation Area and the designated Central Shopping Area. There is a shop on the ground floor with residential accommodation above covering two levels. To the rear of the property is a very long narrow garden with a garage and parking accessed off The Dell Car Park. The plot is a long narrow strip of ground approximately 6.7m wide. The south-western boundary is flanked by a high stone wall while the north-eastern boundary is the rear elevation of a row of small shop units. The surface of the plot is currently compacted gravel. Planning permission (DM/2019/00482) was granted in 2019 for two dwellings to be erected in the site immediately to the west of this plot at no. 10 Bank Street. That approval was an alteration to a scheme approved in 2013.

**1.2 Value Added**

Following extensive negotiations with officers the design of the proposal has been significantly amended and reduced in size.

**1.3 Proposal Description**

The application seeks the demolition of the timber storage shed on the site and the erection of a detached dwelling. The dwelling, which would have an overall footprint of 4.8m by 15m, would comprise two sections - a two storey element 8.8m wide and a single storey element closer to the existing dwelling measuring 6.2m. The two storey element would have a ridge height of 6m while the single-storey part would be 4.2m high to the ridge.

The single storey section would contain the main living accommodation and would have patio doors on the south-eastern elevation facing towards the listed building. The proposed dwelling would be finished in painted render and would have a slate roof. The existing vehicular access from the car park would be utilised and three off road car parking spaces would be provided.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>
DM/2020/00720	The erection of a two-storey, two-bedroom house in the parking lot at the rear of 11 Bank Street in Chepstow.	Pending Determination

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision

S2 LDP Housing Provision

S4 LDP Affordable Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

RET2 LDP Central Shopping Areas

SD4 LDP Sustainable Drainage

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

DES1 LDP General Design Considerations

HE1 LDP Development in Conservation Areas

#### **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:

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

Infill Development SPG November 2019:

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

Chepstow Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

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**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### **Planning Policy Wales (PPW) Edition 11**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

**Chepstow Town Council** - Approve subject to the following conditions

1. That the proposed development is moved slightly away from the adjacent building to allow easier access for maintenance;
2. That the drainage plan is submitted

**MCC Heritage** - No objection

The application has been subject to many revisions seeking to address the main issues of bulk, mass and visual appearance in the Conservation Area.

The most recent plans show the significant reduction in the first floor element of the proposals and amendments to the materials.

The proposals involve a residential unit to the rear of the listed building, in the long garden plot that extends from the back of Bank Square to the car park. The ground rises up from the street and levels up at the car park. In this respect the principle of development here is acceptable and therefore is subject to the above issues.

The revised plans show a reduced mass and scale of the whole building addressing concerns that the first floor created an overtly dominant feature. As now proposed it is considered that the changes address these concerns and that given the building is set back into the plot and will be read with the backdrop of the taller listed buildings to the front of the site.

The design has been presented as a modern interpretation of a coach house or similar back-land development, therefore the modern roof finish matches this design approach and is considered appropriate. Given the proposed changes, it is not considered that as amended the proposals fail to preserve the special character of the conservation area.

**Glamorgan Gwent Archaeological Trust (GGAT)** - The proposal will require archaeological mitigation.

The Historic Environment Record shows the application area is situated within the medieval town, in the Chepstow Archaeologically Sensitive Area, some 70m inside the Port Wall, a Scheduled Ancient Monument. Archaeological work in the town has shown the survival of archaeological features, including archaeological work at the adjacent property, which encountered remains of surfaces, walls and finds of between Medieval and Modern date. It is our professional opinion that archaeological deposits exist within the development area. The existing area has been disturbed to some extent and has structures on it, however, the disturbance caused by these is unlikely to have removed archaeological deposits and given our understanding of the nature of the archaeological resource there is a medium to high potential of these being encountered during the development.

We therefore recommend that a condition should be attached to any consent granted to ensure appropriate mitigation. This condition will require the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation.

**Dwr Cymru-Welsh Water** - Requests a condition requiring a drainage management scheme.

**MCC SAB Authority** - A surface water management scheme will be required by condition. SAB approval will be required prior to any works commencing on site.

**MCC Ecology** - No objection

The ecological assessment covers the development site and the potential impacts on adjacent properties as a result of the development. The sheds present on site currently hold negligible potential for bats, the adjacent buildings were inspected from the site and it was noted that there were some areas of potential at the fascias. Closer inspection have been ruled out. Due to the presence of these features it is proposed to adopt precautionary measures during construction

works, these methods should be secured via condition. There is also potential for limited impacts on birds, hedgehogs and reptiles during construction work.

We have reviewed the proposals against the potential for impacts on Special Areas for Conservation, as the site falls within the buffer zone for the Wye Valley and Forest of Dean Bat Sites SAC, the Wye Valley Woodlands SAC and the Severn Estuary SAC, SPA, RAMSAR. It is considered that due to the location, the scale of the proposal and the potential impacts that a HRA assessment is not required. The ecology report details bird mitigation and enhancement measures which are acceptable but will need to be secured on plan prior to determination.

### **MCC Highways - Object**

The application proposes the change of use of the existing informal car parking area to the rear of the property currently accessed via the Council's Welsh Street car park. The proposed dwelling will be accessed from the car park and provide the requisite number of car parking spaces in accordance with the council adopted parking standards; unfortunately the current parking provision for the commercial premises and residential (flat) associated with 11 Bank Street will be lost as a consequence of the development.

The highway authority consider that the number of parking spaces lost as a consequence of the proposal is not acceptable and will place further stress on the local streets and lead to further demand for non-retail or visitor parking in the car park. It is recommended that the council, are approached as land owner for their views and observations regarding the change of use and access from the car park.

The highway authority object to the proposal on the grounds that the level of off street parking proposed is not sufficient for the overall development.

### **5.2 Neighbour Notification**

None Received

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

With regards to the principle of new residential properties in this location the site is within the Chepstow Development Boundary. Policies S1 of the LDP says that the main focus for new housing development is within or adjoining Main Towns and Chepstow is one of the three main towns. Policy H1 of the LDP presumptions in favour of new residential development within development boundaries, subject to detailed planning considerations. The principle of new residential development in this location is therefore acceptable in policy terms. PPW Ed.11 recognises the need to provide sufficient housing in an area to meet housing need.

### **6.2 Sustainability**

The Local Development Plan and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a very sustainable location for new housing development being located within the town centre within easy walking distance of a large range of facilities including shops, places of entertainment and medical facilities. The site is also within walking distance of a train and bus station. The proposal accords with a key objective of PPW Ed.11 providing residential accommodation in a sustainable location. The proposal is to develop on a brownfield site.

#### **6.2.1 Good Design**

The proposal is for a small, low level dwelling. The design has been presented as a modern interpretation of a coach house. This design approach is considered appropriate. The architecture is simple and complemented by a palette of high-quality materials that integrates the development with its surroundings. Following extensive negotiation between officers and the architect, the design of the proposal has been significantly altered and the two storey element reduced in size. The revised plans show a reduced mass and scale of the whole building, addressing concerns that the first floor created an overtly dominant feature.

Policy DES1 of the LDP requires that the dwelling contributes to a sense of place while its intensity is compatible with existing uses. The proposed dwelling will be seen in the context of the shops, library and public convenience accessed off the carpark rather than the properties facing onto Bank Street. This new dwelling will also be seen in the context of the two new dwellings currently being constructed on the adjacent plot. There is a mix of architectural styles in this location and there is no prevailing character of building. The design and finishing materials for the proposal are considered acceptable, and the proposal would enhance this part of the conservation area and contribute to a sense of place. The proposal will provide a house that is affordable as a starter home or for someone downsizing who will appreciate the contemporary, high quality architecture and materials. The design of the dwelling is respectful of the prevailing character of the area and contributes towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 of the LDP.

### 6.2.2 Place Making

PPW Ed.11 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the layout, form scale, visual appearance of the development does engage with its surroundings. The proposed new dwelling will not be visually prominent within the Chepstow Conservation Area but the side elevation will be glimpsed at a distance from the car park and the part of the rear elevation will be seen above the shops on Rifleman's Way. The design, massing and scale of the proposed dwelling reflect the character of traditional dwellings within the Chepstow Conservation Area. The design of the dwelling will contribute to a sense of place thus complying with one of the key objectives of PPW Ed.11.

### 6.2.3 Green Infrastructure

This is a relatively small area within an existing built up area; there is little scope for large scale Green Infrastructure proposals. There is no vegetation on the site at the moment, it has a surface of compacted gravel. A small enclosed garden is being proposed to the south of the property. This could contain some shrubs if the owner so wishes but the garden will not be viewed from any public vantage point.

## 6.3 **Historic Environment**

The site is located in the Grounds of a Grade II Listed Building and the Chepstow Conservation Area. Number 11 Bank Street was listed in 1972 due to its importance as a Georgian house/ shop and a key architectural element of the listed range of Lower Bank Street. The property dates from the 18th century and was re-modelled in the 19th and 20th centuries. The application has been subject to many revisions seeking to address the main issues of bulk, mass and visual appearance in the Conservation Area. The proposed new building is set back into the rear garden of the listed building and reads as a distinctly separate unit which may well have been a modernised outbuilding. The urban nature of the listed buildings mean that they are all close together and so there is a small intimate space to the rear of the building which is to be expected in this context and is maintained. The new building is not considered to have a detrimental impact on the special character or setting of the listed building.

The most recent plans show the significant reduction in the first floor element of the proposals and amendments to the materials. The proposed building is set back into the plot and will be read with the backdrop of the taller listed buildings to the front of the site. There is a variety of building heights and forms in the immediate vicinity and therefore it is considered that the revised scheme will protect the special character of the conservation area and will not create an incongruous or dominant building in this context. MCC Heritage officers are satisfied that the amended design will not fail to preserve the special character of the conservation area and therefore offer no objections.

## 6.4 **Biodiversity**

A Preliminary Ecological Appraisal and Bat Roost Appraisal was submitted as part of this application. The survey found that the existing sheds had a negligible potential for bat roost activity with no evidence of use by bats or nesting birds. A disused birds' nest was found within the historical stone wall at the south/ south-  
Page 18  
boundary and as a result some precautionary working methods are proposed. There is also some low potential for the presence of common reptiles or hedgehogs and again precautionary working methods of clearance and construction

are proposed. In line with planning policy, measures to provide biodiversity enhancements are suggested. MCC Ecologists reviewed the Appraisal and agreed with its findings, being satisfied with the mitigation proposed and have suggested conditions to ensure that the work is carried out in accordance with the mitigation.

## **6.5 Impact on Amenity**

To the north-east of the site is a row of shops which extend right up to the common boundary. They have their rear elevations abutting the site. There are no openings on the rear elevations. The rear wall of the proposal will abut these so there are no openings on the rear elevation of the proposal except for two roof lights. The existing shops will not be impacted by the proposal in terms of overlooking or overbearing impact.

To the south of the proposed site is the rear garden of the existing property no. 11 Bank Street. The garden is set at a lower level than the proposed dwelling. There will be approximately 28m between the rear elevation of the main dwelling and the side elevation of the proposed one. This is considered sufficient distance and complies with the guideline in the SPG on Infill Development.

There is a development of two houses under construction at the rear of no. 10 Bank Street. These would have ground floor windows on the rear elevation but this would not result in overlooking because of the high stone wall along the common boundary. There will be two roof lights on the rear elevation but these will not overlook due to the relative position which is set much closer to the rear of number 10. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

## **6.6 Highways**

### **6.6.1 Sustainable Transport Hierarchy**

PPW Ed.11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the centre of Chepstow within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the County and the occupiers of these dwellings will be less reliant on the car to go about their daily business.

### **6.6.2 Access / Highway Safety**

There is an existing access into the site from the Welsh Street car park and this has been used for many years. The proposal does not seek any alterations to this access. The increase in traffic generated by this small two-bedroom property will not be significant when compared to the amount of traffic currently using Welsh Street Car Park and Chepstow Town Centre as a whole. It is believed that the local road network has the capacity to accommodate the likely increase in vehicle movements as a result of this proposal especially given the sustainable location of the site. The development will not create significant or unacceptable additional traffic growth in relation to the capacity of the existing road network and it does provide a safe and easy access for road users.

The proposal therefore accords with this part of Policy MV1 of the LDP.

### **6.6.3 Parking**

At present the site provides parking for the shop and existing flat at 11 Bank Street. The proposal is providing three off street parking spaces in total for all three units. The adopted Monmouthshire Parking Guidelines require 1 car parking space per bedroom for the new dwelling. The Highway Authority object to the proposal on the grounds that the level of off street parking proposed is not sufficient for the overall development. The flat has one allocated parking space. The shop is less than 200m<sup>2</sup> in area so only requires one parking space. The new development requires 2 spaces to be within the standards but only one is being provided. However, this space is fully in accordance with Part M access requirements. Given that this is such a sustainable location within the town centre, within easy walking distance of all facilities and adjacent to a public car park the provision of one car parking space for this modest dwelling as proposed is considered acceptable.

PPW Ed.11 states in paragraph 4.15 says that a **Page 10** led approach should be taken to parking provision, which ensures that an appropriate level of car parking is integrated in a way that it does

not dominate the development. Parking provision should be informed by the local context including public transport, accessibility and other objectives that reduce the reliance on the private car and support a modal shift to walking, cycling and public transport. In this case the town centre location means that the occupier(s) of the new dwelling has good access to public transport and is within walking distance of all of the facilities in the town centre. Planning officers therefore considered that there can be a relaxation in the car parking provision as the development is located within easy walking distance of all the major attractors and amenities and accords with PPW11 in this regard.

## **6.7 Affordable Housing**

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

The property has an internal floor area of 85 sq.m so the financial contribution required is £5,916.00

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. The proposal accords thus with Policy S4.

## **6.8 Flooding**

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

## **6.9 Drainage**

### **6.9.1 Foul Drainage**

The applicant has indicated that the foul drainage will go to main sewer. Welsh Water has no objection to this but recommends that a condition be imposed requiring a drainage scheme be submitted prior to development commencing.

### **6.9.2 Surface Water Drainage**

The surface water will be disposed of by means of SuDS. There is some space within the existing garden and the parking area if a permeable surface was to be used. The SuDS will be reviewed as part of the drainage system that is being requested by condition. 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 and including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes of excess surface water and show that these overland flows do not increase flood risk to any property on or off the development site. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The applicant has been informed of this.

### **6.9.3 Phosphates**

The application is outside a phosphate sensitive area and therefore there is no potential for adverse effects to a designated SAC.

## **6.10 Planning Obligations**

A financial contribution of £ 5916.00 towards affordable housing in the local area will be secured through a section 106 Legal Agreement.

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

The Highway Authority has objected to the proposal on the grounds on the grounds that the level of off street parking proposed is not sufficient for the overall development. This issue has been discussed in detail in the main body of the report. Chepstow Town Council has recommended approval of the application but request two conditions.



1. That the proposed development is moved slightly away from the adjacent building to allow easier access for maintenance;
2. That the drainage plan is submitted.

A drainage scheme is being requested by condition. The proposed rear elevation of the new dwelling will abut the rear elevation of the shops on Rifleman's Way. There will be no issues of maintenance as there will be no gap between the two structures. Appropriate legal agreements will be a matter to be resolved between the applicant and the owners of the premises on Rifleman's Way.

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

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

## **6.13 Conclusion**

The site is located within the Chepstow Development Boundary in a very sustainable location. The principle of residential development is acceptable. The design of the new dwelling is acceptable and will enhance the character of this part of the Chepstow Conservation Area. MCC Heritage officers are satisfied that the amended design will not fail to preserve or enhance the character or appearance of the conservation area. The proposal is not considered to have an adverse impact on highway safety and parking provision is acceptable given the sustainable town centre location. The proposal accords with the objectives PPW Ed.11 in this regard. The development has an acceptable impact on residential amenity in accordance with LDP Policy EP1. The proposal accords with the objectives of PPW Ed.11 and the policies of the LDP.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

A financial contribution of £ 5916.00 towards affordable housing in the local area.

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 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 Details of the proposed windows and doors to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: To safeguard the character and appearance of the listed building.

5 The development shall be carried out in strict accordance with Section 6 "11 Bank Street, Chepstow - Preliminary Ecological Appraisal and Bat Roost Appraisal dated July 2020"

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

6 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and pollinator provision as provided in the approved "11 Bank Street, Chepstow - Preliminary Ecological Appraisal and Bat Roost Appraisal dated July 2020" identifying location, positioning and specification shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the future management and an implementation timetable. 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

7 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.

8 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

## **INFORMATIVES**

1 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.

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 clearance or construction, all works should cease and an appropriately experienced ecologist must be 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).

A detailed report on the archaeological works required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the

archaeological fieldwork

The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa)) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited MCIfA Member

This page is intentionally left blank

**Application Number:** DM/2020/01076

**Proposal:** Use of existing agricultural dutch barn for the storage of cars

**Address:** Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

**Applicant:** Mr Arun Patel

**Plans:** Location Plan 278.P01 - , Block Plan 278.P02 - , Elevations - Existing 278.P03 - , All Drawings/Plans A16-010-001 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham

Date Valid: 07.08.2020

**This application is presented to Planning Committee at the request of Llangybi Fawr Community Council**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to a group of agricultural buildings, a farm house and converted barns located near to the village of Llangybi.

#### 1.2 Proposal Description

This is a retrospective application to use an existing dutch barn for the storage of cars. The barn is agricultural in character being finished with a curved corrugated metal roof and concrete panel walls with Yorkshire boarding above. The floor area of the barn is approximately 264 sq.m.

The barn is located to the south-west corner of the site, some 19m away from the nearest property known as Barn 3 which is currently undergoing works for conversion to a residential dwelling for the same applicant.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00675	1. External wall finish to be traditional lime render finish. 2. Addition of window to bedroom 4 at first floor. 3. Removal of oak post to study area. 4. Change window/door finish from painted wood to natural wood.	Application Returned	25.04.2018
DM/2020/00072	Proposed conversion of cattle shed to form 2no 3 bedroom holiday rental units.	Withdrawn	29.01.2021

DM/2020/00074	Conversion of 3no storage containers to form two bedroom holiday accommodation.	Withdrawn	16.10.2020
DM/2020/01077	Static caravan for use as temporary residential accommodation (1 year) while barn conversion under construction at Clawdd y Parc Farm.	Pending Consideration	
DC/2009/00783	Proposed extension to farmhouse and residential conversion of 4 barns	Approved	30.04.2010
DC/2015/00764	Revisions to existing approved scheme for barn conversion to domestic accommodation	Approved	29.06.2017
DC/2012/00062	Change of use of existing agricultural building to form stabling for up to 30 horses with the additional formation of an exercise arena for equestrian purposes	Approved	28.06.2012
DC/2017/00485	Amendments agreed with Enforcement - retaining wall to rear terrace.	Approved	28.04.2017
DC/2017/00095	Agricultural stock housing shed.	Withdrawn	27.03.2017
DC/2017/01100	Non material amendment previous application DC/2017/00614 - change from coloured cladding walling to vertical timber boarding - Agricultural stock housing shed.	Approved	26.09.2017
DC/2011/00281	New Agricultural Building	Acceptable	21.04.2011
DC/2008/00828	Two storey and single storey extensions to farmhouse. Conversion of barns to 6 no. holiday lets. Addition of building to accommodate swimming pool. Conversion of barn to home office. Relocation of dutch barn. Re-clad storage shed.	Withdrawn	21.02.2013

DC/2011/00498	New garaging and stores	Withdrawn	20.08.2014
DC/2011/00899	New access road to supply the barns and ancillary buildings at Clawdd y Parc	Withdrawn	20.08.2014
DC/2015/00524	Retrospective application for conversion of barn approved under previous applications (revised scheme).	Refused	19.06.2015
DC/2017/00614	Agricultural stock housing shed.	Approved	18.07.2017
DC/2015/00703	Retrospective application for 2 no. agricultural general stock sheds.	Withdrawn	16.11.2016
DC/2017/01358	The change of stone finish to lime render finish to the external walls on the areas stated on the drawing A14-04306 as the stone is of a poor quality and cannot within reasonable means be pointed and the introduction of a small window to the rear elevation to provide light to the approved bedroom.	Refused	04.12.2017
DC/2016/01117	Timber framed garage in association with Farmhouse. Similar construction to existing garage at the site.	Approved	03.01.2017

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

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving

decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

## **Planning Policy Wales (PPW) Edition 11**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Llangybi Community Council** - It was agreed that a strong objection should be submitted given the numerous retrospective applications and the apparent constant flouting of planning requirements in relation to this site. It was considered that there may be too fine a line between a classic car collection and classic car trading in the light of past experience at this site. It was also noted that comments submitted to Mon CC in support of this application, appear to come from individuals who have no connection with the local area. The activities at Clawdd-y-Parc continue to cause the Community Council and indeed many local residents, great concern.

SEWBRc Search Results - No significant ecological record identified.

#### **5.2 Neighbour Notification**

Three objections received:

When the barn was refurbished three years ago it was built solely to store, trade or maintain cars. Nothing to do with its intended purpose for the storage of hay and straw or any form of agriculture. The structure of the building has been fully insulated with heating, wash room even double glazed sliding doors in the south side concealed in the Yorkshire boarding.

Obviously never intended as a 'manure store' as described on the plans.

Large transporter lorries are frequently seen negotiating the steep, narrow lane, delivering and collecting.

There is no justification for this change of use and it totally conflicts with planning policy as set out in the LDP.

It is wrong to even consider granting retrospective permission: the applicant clearly has no respect for the rules and this operation should be shut down immediately.

### **6.0 EVALUATION**

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

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

The applicant has stated that they are an enthusiast, not a commercial trader. All the vehicles are the applicant's own and registered in their name. On this basis, the change of use of the building does not fall within any specific LDP policy but would be covered by general policies in relation to



design (DES1), amenity and environmental protection (EP1) as well as other detailed planning considerations which will be considered below.

### 6.1.2 Good Design/ Place making

The former open-sided dutch barn has been enclosed with concrete panels with Yorkshire boarding above to provide a water tight environment. The materials are considered to be in keeping with the rural character of the original building and its setting within an agricultural holding. The external changes are therefore considered to be acceptable in terms of the impact on the appearance of the surrounding area and meet the requirements of LDP Policy DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The barn is approximately 40m away from the nearest neighbouring occupiers. Neighbours have reported large car transporters visiting the site and lots of vehicle movements. This may be necessary at times but is not considered likely to be a frequent occurrence based on the applicant's statement that the cars are a private collection and it is not a commercial operation. A condition limiting the use of the building to ancillary domestic use has been suggested, should Member be minded to approve the application. No more than 15 vehicles are currently kept in the building and this can also be conditioned should Members be minded to approve the application. On this basis, it is unlikely that the use of the barn to store cars will have a significantly adverse impact on any neighbouring occupiers and the application meets the requirements of LDP Policy EP1.

Should the use become commercial then further planning consent would be required.

## **6.2 Highways**

### 6.2.1 Access / Highway Safety

No changes to the existing access or parking arrangements are proposed as part of this application.

## **6.3 Distinctive & Natural Places**

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

The site is outside the Phosphate Sensitive Catchment Area of the Rivers Usk and Wye SACs. Therefore no further information or action in relation to drainage is required. There will be no changes to existing foul or surface water drainage as a result of this development.

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

6.4.1 The refurbishment of the dutch barn undertaken three years ago would not have required planning permission as it would be viewed as repair/maintenance works. The change of use from agriculture however would - hence this current application. The fact that this is a retrospective application is not a material planning consideration.

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

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

## **6.6 Conclusion**

6.6.1 The proposed use of the existing building to store cars for private use will not adversely affect local residential amenity or the character or appearance of the site or surrounding area.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

2 No more than 15 vehicles shall be stored within the barn at any time and the building shall be used for private domestic use only.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

**Application Number:** DM/2020/01077

**Proposal:** Static caravan for use as temporary residential accommodation (one year) while barn conversion is under construction at Clawdd y Parc Farm

**Address:** Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

**Applicant:** Mr Arun Patel

**Plans:** Location Plan 277.P01 - , Block Plan 277.P02 - , Elevations - Existing 277.P10 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 07.08.2020

**This application is presented to Planning Committee due to there being five or more objections and at the request of Llangybi Fawr Community Council**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to a group of agricultural buildings, a farm house and converted barns located near to the village of Llangybi.

#### 1.2 Proposal Description

This is a retrospective application for the retention of a static caravan and associated decked area on the site until building works converting Barn 3 to residential accommodation have been completed. This is predicted to be by March 2022. The caravan requires consent as it is outside the curtilage of Barn 3, approximately 56 metres from the building itself.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00675	1. External wall finish to be traditional lime render finish. 2. Addition of window to bedroom 4 at first floor. 3. Removal of oak post to study area. 4. Change window/door finish from painted wood to natural wood.	Application Returned	25.04.2018
DM/2020/00072	Proposed conversion of cattle shed to form 2no 3 bedroom holiday rental units.	Withdrawn	29.01.2021

DM/2020/00074	Conversion of 3no storage containers to form two bedroom holiday accommodation.	Withdrawn	16.10.2020
DM/2020/01076	Use of existing agricultural dutch barn for the storage of cars.	Pending Determination	
DC/2009/00783	Proposed extension to farmhouse and residential conversion of 4 barns	Approved	30.04.2010
DC/2015/00764	Revisions to existing approved scheme for barn conversion to domestic accommodation	Approved	29.06.2017
DC/2012/00062	Change of use of existing agricultural building to form stabling for up to 30 horses with the additional formation of an exercise arena for equestrian purposes	Approved	28.06.2012
DC/2017/00485	Amendments agreed with Enforcement - retaining wall to rear terrace.	Approved	28.04.2017
DC/2017/00095	Agricultural stock housing shed.	Withdrawn	27.03.2017
DC/2017/01100	Non material amendment previous application DC/2017/00614 - change from coloured cladding walling to vertical timber boarding - Agricultural stock housing shed.	Approved	26.09.2017
DC/2011/00281	New Agricultural Building	Acceptable	21.04.2011
DC/2008/00828	Two storey and single storey extensions to farmhouse. Conversion of barns to 6 no. holiday lets. Addition of building to accommodate swimming pool. Conversion of barn to home office. Relocation of dutch barn. Re-clad storage shed.	Withdrawn	21.02.2013

DC/2011/00498	New garaging and stores	Withdrawn	20.08.2014
DC/2011/00899	New access road to supply the barns and ancillary buildings at Clawdd y Parc	Withdrawn	20.08.2014
DC/2015/00524	Retrospective application for conversion of barn approved under previous applications (revised scheme).	Refused	19.06.2015
DC/2017/00614	Agricultural stock housing shed.	Approved	18.07.2017
DC/2015/00703	Retrospective application for 2 no. agricultural general stock sheds.	Withdrawn	16.11.2016
DC/2017/01358	The change of stone finish to lime render finish to the external walls on the areas stated on the drawing A14-04306 as the stone is of a poor quality and cannot within reasonable means be pointed and the introduction of a small window to the rear elevation to provide light to the approved bedroom.	Refused	04.12.2017
DC/2016/01117	Timber framed garage in association with Farmhouse. Similar construction to existing garage at the site.	Approved	03.01.2017

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

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving

decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

## **Planning Policy Wales (PPW) Edition 11**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Llangybi Fawr Community Council** - The Council considered this application at yesterday's meeting, it was agreed that a strong objection should be submitted given the numerous retrospective applications and the apparent constant flouting of planning requirements in relation to this site. It was also noted that comments submitted to Mon CC in support of applications relating to this site, appear to come from individuals who have no connection with the local area. The activities at Clawdd y Parc continue to cause the Community Council and indeed many local residents, great concern. In relation to the caravan in particular, it is alleged that the caravan has been occupied since at least April 2019 and is therefore of little significance in relation to the barn conversion. Activities at Clawdd y Parc continue to cause the Community Council and a number of local residents, serious concern.

SEWBRc Search Results - No significant ecological record identified.

#### **5.2 Neighbour Notification**

Five objections received:

The applicant installed the static caravan on 23rd April 2019. Currently, and for most of time since then it has been rented out to a gentleman who works at a hotel in Raglan, and has no connection with any barn conversion or other building works at the site.

It is entirely misleading to make this application under the guise of needing the caravan as somewhere to live while building of a main residence is completed: the applicant owns several houses including Bonnie Barn on the site which he chooses to rent out to holidaymakers the majority of the time.

It is wrong to allow a retrospective application 17 months after the caravan was installed, in clear breach of planning guidelines; its unauthorised use should be stopped immediately and the caravan removed from the site.

The building of barn 3 is nearing completion.

The caravan has been in situation for 22 months and never used as the application suggests.

The residents on Clawdd y Parc Farm are fed up with the flagrant disregard of the planning system.

All applications for planning should sign a declaration of truthful intent. Deviations from the truth should be liable to prosecution.

Very disappointed in the knowledge someone is prepared to give false information to deceive especially if permission is granted.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The siting of a static caravan for the duration of building works on the same site as where the works are being undertaken does not require the benefit of planning permission. However, in this case the caravan is sited some distance from the barn which is being worked on but within the same land ownership. As such planning permission is required. Neighbours have raised concerns that the person occupying the caravan does not have anything to do with the building works. However, the applicant has stated that the occupier will be Mr Marcos Morillas, who is the site foreman and project manager for the build. Work on the barn has been delayed by COVID but the applicant hopes to finish by spring of next year. As such a condition requiring the removal of the caravan by March 2022 is deemed appropriate should Members be minded to approve the application.

### **6.2 Impact on Residential Amenity**

6.2.1 The continued use of the caravan for a temporary period will not have any impact on the residential amenity of any neighbouring occupiers and it is noted that no objections on this basis have been received from local residents. The caravan is sited approximately 64 metres away from the nearest neighbouring occupier. The caravan would be closer to neighbours had it been sited within the curtilage of Barn 3. As such, the proposal is considered to meet the requirements of LDP Policy EP1.

### **6.3 Access / Highway Safety**

6.3.1 No changes to access or parking are proposed as part of this application.

### **6.4 Drainage**

6.4.1 The site is located outside the Phosphate Sensitive Catchment areas of both the Rivers Usk and Wye and the associated SACs. As such no further information or action in relation to drainage is required.

### **6.5 Visual Impact**

6.5.1 The caravan and decking is sited to the south-west corner of the site, approximately 48 metres away from the barn which is being converted. The location of the caravan is further away from neighbouring properties than if it were sited within the curtilage and has no more harmful impact on the appearance of the area than if it were sited adjacent to Barn 3. It should also be noted that this is recommended as a temporary consent and once works are completed the caravan will be removed and the land restored. As such there are no long term visual impacts. The application is therefore considered to meet the requirements of LDP Policy DES1.

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

6.6.1 The fact that this is a retrospective application is not a material planning consideration. Reports that the caravan is being rented as a holiday let is a matter for enforcement but the applicant has offered information on how the occupier would be involved in the associated build.

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

6.7.1 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.

## **6.8 Conclusion**

6.8.1 The use of the caravan for a temporary period while building works are being undertaken by the site project foreman is considered to be acceptable and will not harm the amenity of the local residents or have any long term impact on the character or appearance of the area.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

2 The use hereby permitted shall cease and the caravan, decking and any other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to site thereafter.

REASON: Planning permission is granted for a temporary period only having regard to the particular circumstances of the site.

### **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.



**Application Number:** DM/2020/01258

**Proposal:** Construct new detached storage building with offices and staff room

**Address:** Mounton Brook Lodge, A48 Chepstow Garden Centre To Pwllmeyric Hill, Pwllmeyric, Monmouthshire, NP16 6LF

**Applicant:** Mr Peter Hayes

**Plans:** All Existing Plans 001 - , All Proposed Plans 002 D - Rev D, Design and Access Statement Design, Access & Heritage Statement - , Floor Plans - Proposed Ground Floor - , Site Plan Proposed Site Plan - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young  
Date Valid: 07.10.2020

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

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

Mounton Brook Lodge is a grade II listed 17th Century former coaching inn, which has recently undergone an extensive renovation. Planning permission was granted in 2017 for the demolition of a rear extension and rebuilding to create a function room. Shortly after the building opened as a wedding/function venue. The main building is a large three-storey building which has coursed rubble stone walls, brickwork chimneys, timber windows and a traditional slate roof. Attached to the main building is the Old Forge stone C17th barn which was formerly a blacksmith's, and is now licensed to host civil ceremonies, partnerships and blessings for up to 100 guests. To the rear of the property is the recently built extension, which is used for dining and events. To the side of the main building is an enclosed service yard; within this stands a modern, metal storage container that has a footprint of 22 sq. m.

There is vehicular access from Mathern Lane and a large car park to the rear with parking for 26 cars. Mounton Brook Lodge is located within the Development Boundary of the village as identified in the LDP.

#### 1.2 Value Added

Following detailed negotiations between the applicant, planning officers and heritage officers, the location of the storage building has been revised. The design and size of the proposal has been significantly amended so that the building now takes its lead from the Forge building that exists on the opposite side of the main building.

#### 1.3 Proposal Description

The application seeks the erection of a building in place of the storage container which will provide storage and office provision over two floors to be used in association with the public house/wedding venue. The storage and office is needed in association with the existing business which is being run from the site. The building which has been designed to reflect the Forge building on the site would be 10m long with a low eaves height of 3.5m and a ridge height of 6.6m. The storage building would be finished in vertical timber cladding with pantiles on the roof. The windows and door would be of painted timber to match those on the Forge building. It is the side elevation of the building that would

face onto the road. The side elevations both contain one window each, the rear elevation is blank and the front elevation which faces towards the listed building contains timber doors and three roof lights.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/01258	Construct new detached storage building with offices and staff room	Pending Determination	
DC/2010/00518	Retention of field gate	Approved	23.08.2010
DC/2010/00589	New fascia, freestanding and hanging signage for public house (externally illuminated)	Approved	12.10.2010
DC/2010/00709	New Pub Sign.	Approved	06.10.2010
DC/2017/00303	Demolition of existing modern single storey rear extension, erection of a single storey rear extension to provide reception/function room. Minor internal alterations. Change of use from public house to wedding/function venue for private and community bookings.	Approved	06.07.2017
DC/2017/00302	Demolition of existing modern single storey rear extension erection of a single storey rear extension to provide reception/function room. Minor internal alterations. Change of use from public house to wedding/function venue for private and community bookings.	Approved	06.07.2017
DC/2010/00476	Proposed replacement of the first floor window on the northeast facing gable and the introduction of handrails to the front entrance.	Approved	04.08.2010
DC/2017/01456	Discharge of conditions 4, 7, 8, 9, 10 & 11 of listed building consent DC/2017/00303.	Approved	02.02.2018
DC/2017/01457	Discharge of conditions 4, 5 & 6 of planning permission DC/2017/00302.	Approved	07.11.2018

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

#### **Strategic Policies**

S8 LDP Enterprise and Economy  
S17 LDP Place Making and Design  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations

#### **Supplementary Planning Guidance**

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**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### **Planning Policy Wales (PPW) Edition 11**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Mathern Community Council** - Recommends refusal.

The principle concern of this Council to the original planning application relating to this building and site was the extent of car parking provision. At peak times of use, cars are parked on adjacent roads and pavements.

The owners have on occasions used the adjacent field for parking to mitigate any issues but this cannot be seen as a permanent solution as it is an agricultural field

The storage containers on site were installed when the development of the building took place and were considered temporary stores, we believe they do not have consent to be in place permanently. They detract from the aesthetics and setting of the existing listed building when viewed from the road.

Although the Council does support businesses in our area, we believe that the proposal would represent an overdevelopment of the site.

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

Mounton Brook Lodge currently operates as a wedding venue and the applicant has indicated that the proposed building is to be located to the north-west of the existing building on land that from the plans submitted in support of the application does not form part of the existing parking area.

The highway authority offers no objection to the proposal on the basis that the proposal does not result in the loss of any available on site parking and that the vehicle movements and parking associated with the proposed storage building can be accommodated within the existing parking area.

### **MCC Heritage**

The application has been modified in scale, position and materials to accommodate original concerns from Heritage Officers. The redesigned and positioned building is not considered to have a significantly detrimental effect on the setting of the listed building and aims to assimilate better into the context appearing as an ancillary building to the listed building maintaining an important hierarchy and ensuring that the listed building maintains its dominance in the street scene.

### **MCC GI and Landscape**

From a visual perspective set within the street, site and settlement context the development proposal as submitted does not appear to integrate well with the main building, street setting or complement other ancillary buildings associated with the main building.

### **MCC Environmental Health - No objection**

Given the potential for noise disturbance I would recommend that a condition limiting the hours of operation of the facility for use by staff and visitors/performers was imposed to safeguard the aural amenity. EH queried the hours of operation to ensure compliance with the rest of the venue.

## 5.2 Neighbour Notification

None received

## 5.3 Local Member Representations

In relation to the above application I am requesting for this application to be referred to the planning committee for their consideration on relevant planning policies both local and national and highways/ parking concerns, hours of operation, ancillary use, its location next but one to the Brook, there is also a field at the back known to become water logged/ flood.

The application is to construct a new detached storage building intended to be used for storage/ office/ staff room/ shower room for B1 business use but has the external appearance on the plans of a detached dwelling. A number of queries may be raised about its use and a potential dual use as a detached building and how this operates in the context of the rest of the site.

The Design & Access statement states that, "The proposal is to replace the existing 22sq m unsightly storage container, with a new detached building measuring 58 sq. m of ground floor area." (referred to as 61.5sqm in the application).

No details are provided of the type of storage or stored materials either external or internal and where the external storage bins/ container will now be located or the size of parking spaces/ additional parking spaces for this detached building with a B1 application, in an area known to be an accident hotspot, where overflow parking may cause highway concerns elsewhere.

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**

Mounton Brook Lodge was previously a public house and was granted planning permission to be used as a wedding venue in 2017. The use as a wedding venue is established and the property is currently used for that purpose. The current application seeks the erection of a storage building within the service area of the site. The new building would replace a metal container which is currently being used for storage. The building would be used for the storage of tables, chairs, props, floral arches, sweet carts etc. There is insufficient storage capacity at present within the metal container and many of the props have to be stored outside. The building will also offer a staff room and office enabling the staff to sit down when off duty. The business is hoping to take on new staff once the Covid crisis is over. At present any band members and other entertainers have to change in the toilets so this building would provide them with changing facilities/ dressing room. The business is already established and Policy S8 of the LDP supports proposals that seek to deliver the Council's vision for sustainable economic growth. The wedding venue business also attracts tourists into the area which is another sector that the Council is keen to support. This proposal will allow a local business to expand and ultimately employ more local people. This proposal accords with the Council's vision for economic growth. The principle of a small storage building to support an existing business is acceptable in policy terms.

### **6.2 Sustainability**

The Local Development Plan and PPW encourages sustainable development. This service area already exists, the proposal is to replace a metal container with a two storey building. The proposal is sustainable in that it utilises brownfield land rather than expanding into a green field. The building materials will be locally sourced where possible.

#### **6.2.1 Good Design**

The application seeks a two storey building, which, following modifications, is of a scale and mass that is considered to be acceptable as it will be located between the three storey listed building on the site and a substantial residential property to the east. The building will be finished in materials that match the Forge building on the site. The proposed outbuilding will appear as a subservient element to the main listed coaching inn and is in keeping with the character of the local area. The building will be a visual improvement on the metal storage container that it replaces and this will enhance the setting of the listed building. The proposed building will be visually prominent when seen from the A48, it will have its narrow gable end facing the road. The new storage building will be at a slightly higher level than the road and set behind an existing stone wall. The building will contribute to a sense of place as it will provide a high quality outbuilding between two existing prominent structures. The building will contribute in a positive way to the street scene. The proposal therefore accords with the objectives of Policy DES1 of the LDP which seeks high quality sustainable design that respects the local character and historic environment.

#### **6.2.2 Place Making**

PPW 11 indicates that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the layout, form, scale and visual appearance of the development does engage with its surroundings. The design and scale of the proposed building is such that it will appear subservient to the host dwelling. It will contribute to a sense of place whilst the amount of development and its intensity is compatible with development in the adjacent area thus complying with one of the key objectives of PPW11.

### **6.3 Historic Environment**

The proposed storage building will stand in the grounds of the grade II listed building and will affect its setting. Following the amended plans the concerns from Heritage officers have been taken into

account and the building amended to be re-orientated, re-designed and scaled down. The revised building sits far more comfortably alongside the existing buildings and context and is considered to preserve the setting of the listed building.

## **6.4 Biodiversity**

There is a service yard to the side of the building which is bounded by a stone wall to the front and a close boarded fence to the rear. The yard is of hardstanding with no vegetation. A metal container will be removed from the site; there is therefore no loss of habitat or impact on bat roosts. Biodiversity enhancements can be requested by condition.

## **6.5 Impact on Amenity**

There is only one residential property that is affected by this proposal and that is Beckstone House to the east of the site. The rear elevation of Beckstone House is approximately 6m from the common boundary behind a stone wall. The rear elevation of the storage building contains no windows or door openings and is only 3.5m high to the eaves and therefore the proposal will not result in any loss of privacy and will not result in a significant loss of outlook for the occupiers of Beckstone House. The proposal accords with the objectives of Policy EP1 of the LDP which requires that new development should have regard to the privacy, amenity and health of the occupiers of neighbouring properties

## **6.6 Highways**

### **6.6.1 Sustainable Transport Hierarchy**

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. This application seeks the erection of a storage building for the existing business being run from the site and as such it does not impact on sustainable transport.

### **6.6.2 Access / Highway Safety**

The access into the site will not be altered and the proposal will not result in an increase in traffic generation.

### **6.6.3 Parking**

At present there are 26 parking spaces in the car park to the rear. The proposed building will be located partly within an established storage yard at the side of the building. The new building will result in the loss of 4 car parking spaces but 4 new staff parking spaces will be adjacent to the proposed building. In addition to this 4 new off road car parking spaces will be provided at the front of the building. The proposed site plan indicated that following implementation of the proposed building works there will be a total of 32 parking spaces within the site. The applicants maintain that they can cater for a maximum of 100 guests at any one time and that car parking has not been an issue for them to date. With a wedding venue many guests tend to car share to arrive and depart by taxi. The Highway Authority have no objection to the proposal on the basis that it will not result in the loss of any available on site parking and that the vehicle movements and parking associated with the proposed storage building can be accommodated within the existing parking area. The application accords with the objectives of Policy MV1 of the LDP with regards to access and parking.

The applicants are aware of the concern from the local member with regards to parking and have included the following statement with their submission.

"We would just like to reassure you that with all the past weddings and parties held with us over the last 3 years, parking has never been a problem. In fact, the majority of the time we have plenty of spaces still vacant in the car park when we hold a wedding, this is due to guests car sharing or not wanting to drink and drive so they arrange other means of transport, i.e. mini buses, taxi's etc.

90% of our business are wedding ceremonies followed by the reception. The only time we have had issues with the parking is when a large daytime wake/funeral has been held at the venue. The reason being is that guests tend not to drink alcohol during the daytime and tend to only stay for an hour or two, meaning more vehicles are parked up for guests to drive home after having a cup of tea or two. In the past, we have encountered only twice where guests have needed to find additional parking elsewhere. These events were for two wakes taking place and at the time were rather large, we had not been anticipating the number of guests/cars that had attended.

For us not to come across this issue again, we have since resolved the car parking matter over 20 months ago. By hiring a large field next door to us so that the occasional time needed, overflow cars can be parked in there. We have a long-term contract for the hire of this field which is also used for our clients to go into for their group photos.

I would also like to add, that by building the new structure requested, we will be taking up four spaces, but we have resolved this by adding an additional four spaces adjacent to the new build, this will be for staff parking, please see spaces marked in red.

We have also taken away the large 2m x 1m rectangle old wooden planters (x 2) that were rotten and were situated at the front of the original building, we can now adequately and safely fit at least four vehicles at the front.

Also to take into account that a few years ago, the same time as we applied for planning for the large extension at the back of the original building, we also applied for a big wall to be removed at the side of the Old Forge barn, this wall created a 3m border for flowers and we felt was a lot of wasted space. This has since been removed and we have a little pretty 30cm border with plants in, this also can fit at least 2 more parking spaces here, but we have reserved it for one disabled space, again please see on what's marked as the larger plan.

To summarise, four parking spaces will be taken up to build this new structure that we wish to create, but four spaces will be created alongside the new build so this will make no difference to the amount of parking we already have. We have also create an additional 5 spaces that wasn't counted previously at the side and front of the building."

## **6.7 Flooding**

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

## **6.8 Drainage**

### **6.8.1 Foul Drainage**

Foul water from the proposed building will discharge into mains drains.

### **6.8.2 Surface Water Drainage**

A surface water drainage system will be required this can be secured by condition, 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 there is excess surface water system and show that these overland flows do not increase flood risk to any property on or off the development site. The total construction area is below 100sq.m and therefore SAB approval will not be required prior to any works commencing on site.

### **6.8.3 Phosphates**

The application is outside the River Wye and Monnow SAC catchments in relation to phosphates and so there is no impact on the protected SAC's within the County.

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

Councillor Brown has raised a number of issues, most of which have been addressed in the main body of the report. The operating hours for the storage building will be the same as for the main venue and the building will be ancillary to the existing business run from the site. None of the site to

which this application relates is in a designated flood zone identified in the DAM maps of TAN 15. The C2 Flood zone is on the eastern side of Beckstone House approximately 28m from the siting of the proposed building. The amount of parking provision within the site is being increased and there are no objections from the Highway Authority or from Heritage Officers.

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

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

## **6.11 Conclusion**

The proposal accords with the objectives of Policy S8 of the LDP which supports proposals that assist economic growth within the County. The new building will replace a metal container which is currently being used for storage. The building would be used for the storage of tables, chairs, props, floral arches, sweet carts etc. There is insufficient storage capacity at present within the metal container and many of the props have to be stored outside. The building will also offer a staff room and office facilities enabling the staff to relax when off duty and to give the performers somewhere to change. The principle of a storage building of modest scale to support an existing business is acceptable in policy terms. The design of the building is acceptable in this location, it enhances the setting of the listed building and accords with the objectives of Policy DES1. There will be no loss of parking provision within the site, the Highway Authority offers no objection. The proposal will not impact on residential amenity and accords with the objectives of LDP Policy EP1.

## **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 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and pollinator provision as provided in the approved "11 Bank Street, Chepstow - Preliminary Ecological Appraisal and Bat Roost Appraisal dated July 2020" identifying location, positioning and specification shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for the future management and an implementation timetable. 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 11, the Environment (Wales) Act 2016 and LDP Policy NE1

4 The premises shall not be used for the approved purposes outside the following times:  
10:00 and 00:30 Monday to Saturday and 11:00 to 00:00 on Sundays.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

5 A representative sample of the proposed timber cladding and roof tiles shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: To safeguard the character and appearance of the listed building.



6 No development shall begin on site until the LPA 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 not increase flood risk to any property on or off the development site. The development shall be carried out in accordance with the approved drainage details.

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.

7 Prior to the beneficial use of the proposed storage the existing container shall be completely removed from the site and must not be returned to the site.

REASON: To protect the existing visual amenities of the area and to ensure compliance with LDP Policies DES1 and EP1.

8 Prior to any building works commencing on site, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be undertaken and/or installed within three months of the building, hereby approved, being brought into use and in accordance with the approved details. Following the installation of the approved scheme, a report confirming adequate installation shall be submitted to the Local Planning Authority.

REASON: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016. To comply with Section 6 of Planning Policy Wales (2021), Technical Advice Note 5 and policies S13 and NE1 of the adopted Monmouthshire Local Development Plan.

This page is intentionally left blank

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/03/21

gan J Burston, BSc MA MRTPI AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/3/21

## Appeal Decision

Site visit made on 02/03/21

by J Burston, BSc MA MRTPI AIPROW

an Inspector appointed by the Welsh Ministers

Date: 22<sup>nd</sup> March 2021

**Appeal Ref: APP/E6840/A/20/3265156**

**Site address: Catry Cottage, Quarry Road, Star Hill, Devauden, NP16 6NU**

**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 Owain Berman against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/00734 dated 8 June 2020, was refused by notice dated 6 November 2020.
- The development proposed is the change of use from a holiday let property to a residential property C3 use class.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. An executed planning obligation under section 106 of the Town and Country Planning Act 1990, was submitted by the appellant. I have taken this into account in my decision.
3. In reaching my decision, I have also taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and a healthier Wales.

### Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of potential future occupants.

### Reasons

5. Catry Cottage is a modest stone-built property, accessed via a private drive. It is situated approximately 1km from the local facilities in Llanishen and located in the open countryside for planning purposes. The cottage has an extensive planning

history including planning permission<sup>1</sup> for the 'Proposed renovation and conversion of existing redundant building to provide holiday let accommodation'. This permission included an extension to provide a toilet/shower room.

6. Monmouthshire Local Development Plan (LDP) Policy H4 provides a criteria-based approach to the conversion/rehabilitation of buildings in the open countryside. Of particular relevance to this case is criteria F which establishes that *"the building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn"*.
7. This is further elaborated in the Council's Supplementary Planning Guidance: Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), November 2017 (SPG:RC), which states *"in assessing a building's suitability for conversion a minimum standard of 50 sq.m will be adopted. Conversions of buildings below this size will not be approved. This 50 sq.m standard relates to the internal floor space (including storage space) and conversion of a property of this size will only be allowed on the basis of a one bedroomed property for two people."*<sup>2</sup>
8. It is not disputed between the parties that the dwelling, including the extension, is some 37.9 sqm in footprint. Therefore, well below the minimum standard as set out in the SPG:RC.
9. The Council's Supplementary Planning Guidance 'Affordable Housing', July 2019 (SPG:AH), brought to my attention by the appellant, indicates that an acceptable amount of living space can be achieved with floor areas below the stated Notional Floor space Areas (NFA) and can in fact depend on the shape of the accommodation. In this respect the appellant states that Catry Cottage *"provides adequate space for all the furniture that occupants can be expected to need, there is good circulation space and sleeping and living areas are separated with all being served by natural daylight."* Further, *"although the appeal proposal doesn't fall into the definition of 'affordable housing', if made available on the open market it would provide an affordable housing option and help to address the market short-fall in the local authority area."*
10. It is acknowledged that the proposal is currently used for holiday accommodation and it may be argued that as a result lower space standards could apply particularly as holiday users are often out exploring the area rather than inside the dwelling. However, the proposal is nevertheless use class C3 residential and consideration must be given to the suitability of the accommodation taking into account the living conditions of future occupiers. The provision of adequate internal space is an important part of ensuring a good standard of amenity for all future occupants and ensuring a 'healthier Wales'.
11. The living space would be very confined with the ground floor comprising an entrance lobby, toilet/shower room, an open plan kitchen/sitting room, and a staircase. The first-floor mezzanine is allocated as a bedroom. There appears to be little in the way of internal storage space. Furthermore, whilst I accept that the dwelling would have access to a large area of external amenity space, this would do little, particularly in the winter months, to offset the cramped internal conditions.

---

<sup>1</sup> Planning permission reference DC/2013/00417 refers.

<sup>2</sup> 3.17

12. I also acknowledge the 'furniture layout' provided by the appellant. Nevertheless, to my mind, this depicts the bare minimum, when in practice more furniture / domestic paraphernalia would be required to facilitate a permanent living space. Indeed, the amount of space needed not only depends on the number of people living there, but basic lifestyle needs such as having enough space to store possessions, to cook safely, work from home, entertain friends or to enable the installation of welfare aids and adaptations where these are required.
13. I also note that given that permitted development rights would be restricted, as confirmed in the LDP, any future occupiers would be unable to erect any outbuildings to enable garden equipment/furniture to be safely stored.
14. The provision of a small dwelling may add to the Council's housing supply, to a limited extent. However, I have little evidence to show a demand for such properties and no valuation before me to consider its affordability. In reaching this finding I accept that the appellant has provided a financial contribution towards off-site affordable housing.
15. I have also been referred to other developments, which are said to be similar by the appellant. Nevertheless, the circumstances are not directly comparable, particularly where they have been granted permission prior to the adoption of the SPG:RC. In any case each application and appeal must be determined on its own merits as I have done here.
16. I conclude on this main issue, that the appeal site is unsuitable for use as a C3 residential property as it would fail to provide adequate living conditions for future occupiers of the property. Accordingly, I consider that the proposal would be contrary to LDP Policy H4 (F) as set out above.

#### *Planning Obligation*

17. The obligation, dated 2 March 2021, provides for a financial contribution towards off-site affordable housings. Having regard to the evidence before me, it has been demonstrated that this contribution is necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. It accords with the tests set out in the Community Infrastructure Levy Regulations (as amended, 2019). Accordingly, I have taken them into account in my decision.

#### **Conclusions**

18. Although there are matters that weigh in favour of the development, there would, however, be negative impacts arising from the proposal. Thus, the scheme conflicts with the development plan when considered as a whole.
19. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Accordingly, for the reasons set out above, and taking into account all matters raised, I conclude that this appeal should be dismissed.

*J Burston*

INSPECTOR

This page is intentionally left blank