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Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 26 Gorffennaf 2021

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 3ydd Awst, 2021 at 2.00 pm  
Remote Meeting  
Neuadd Y Sir, Y Rhadyr, Brynbuga

### AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ymddiheuriadau am absenoldeb	
2.	Datganiadau o Fuddiant	
3.	Cadarnhau cofnodion y cyfarfod blaenorol	1 - 8
4.	Ystyried yr adroddiadau Cais Cynllunio canlynol gan y Prif Swyddog Menter (amgaeir copïau):	
4.1.	Cais DM/2020/01801 - Defnyddio garej ddomestig fel annedd am gyfnod dros dro tra bod gwaith adeiladu yn cael ei wneud ar drawsnewid ysgubor sydd â chaniatâd. Melin Campston, Heol Barry-Cathlea, Llanfihangel Crucornau, Sir Fynwy, NP7 8EF.	9 - 14
4.2.	Cais DM/2021/00771 - Caniatâd Cynllunio Llawn - Darparu deciau pren o dan yr ardal eistedd y tu allan bresennol. Bydd y deciau'n cynnwys pedwar stepen a rheiliau llaw. Bwyty Wye Knot, 18A The Back, Cas-gwent.	15 - 24
5.	ER GWYBODAETH - Yr Arolygiaeth Gynllunio - Penderfyniadau o ran Apeliadau a Dderbyniwyd:	
5.1.	Carchar Ei Mawrhydi, Brynbuga, Stryd Maryport, Brynbuga.	25 - 28

**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. Jordan  
P. Murphy  
M. Powell  
A. Webb  
S. Woodhouse

### Gwybodaeth Gyhoeddus

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

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

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

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

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

#### **Y Gymraeg**

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

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

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

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

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

#### Ein sir yn ffynnu

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

### Ein blaenoriaethau

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

### Ein gwerthoedd

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

## **Diben**

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

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

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

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

## **Gwneud penderfyniadau**

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

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

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

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

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

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

## **Prif gyd-destun polisi**

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

*Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd*

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

- Llygredd aer;
- Llygredd golau neu sŵn;
- Llygredd dŵr;
- Halogiad;
- Ansefydlogrwydd tir; neu
- Unrhyw risg a 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 neilltuol amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

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

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

#### Canllawiau Cynllunio Atodol (SPG):

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

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-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 gwarchoddedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwyddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

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

(ii) Nad oes dewis arall boddhaol.

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

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

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

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

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

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



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

#### Trefn Troseddu ac Anrhefn 1998

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

#### Deddf Cydraddoldeb 2010

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

#### Mesur Plant a Theuluoedd (Cymru)

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

## Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio

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

### **Pwy all siarad**

#### Cynghorau Cymuned a Thref

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

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

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

#### Aelodau'r Cyhoedd

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

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

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

#### Ymgeiswyr

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

### **Cofrestru Cais i Siarad**

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

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

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

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

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

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

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

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

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

### **Cynnwys yr Arweithiau**

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

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

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

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

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at County Hall, Usk with Remote Attendance on Tuesday, 6th July, 2021 at 2.00 pm**

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

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

County Councillor V. Smith attended the meeting by invitation of the Chair.

### **OFFICERS IN ATTENDANCE:**

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

### **APOLOGIES:**

None received.

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

None received.

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

The minutes of the Planning Committee meeting dated 1<sup>st</sup> June 2021 were confirmed and signed by the Chair.

#### **3. Application DC/2010/00670 - Residential Development of 8 Units Comprising of a 1 Bed Flat, a 2 Bed Flat above Four Car Ports and 6no. Three Bedroom Houses and all Associated Works. Land to the Rear of 34 to 39 Cross Street, off Beili Priory, Abergavenny**

We considered the report of the application and late correspondence which was presented to Committee for refusal with two reasons. An additional reason for refusal was considered, namely, the applicant's failure to commit to providing the level of affordable housing on site that was required under LDP Policy S4.

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

- Concern was expressed regarding the poor access into Beili Priory Lane. The provision of additional properties in this location would only exacerbate the access issues.

## MONMOUTHSHIRE COUNTY COUNCIL

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- In response to a question raised regarding the lack of phosphate stripping technology, the Head of Planning stated that water quality was an ongoing issue in respect of the rivers within Monmouthshire. It was noted that currently, we do not have phosphate stripping capability within this area. However, there are ongoing discussions with a view to upgrading these systems.

It was proposed by County Councillor R. Harris and seconded by County Councillor P. Murphy that application DC/2010/00670 be refused for the two reasons outlined in the report with an additional reason for refusal namely, the applicant's failure to commit to providing the level of affordable housing on site that is required under LDP Policy S4.

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

For refusal	-	10
Against refusal	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2010/00670 be refused for the two reasons outlined in the report with an additional reason for refusal namely, the applicant's failure to commit to providing the level of affordable housing on site that is required under LDP Policy S4.

**4. Application DM/2020/00762 - Full planning application for the change of use of the visitor centre at Llandegfedd, to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00442. Llandegfedd Visitor Centre, Croes-gweddyn Road, Coed-y-Paen, Monmouthshire**

Application DM/2020/00762 was withdrawn from the agenda to enable discussions to take place involving Gwent Wildlife Trust, Monmouthshire County Council officers, the local Member and the applicant, Welsh Water.

Following these discussions the application will be presented to a future meeting of Planning Committee for consideration.

**5. Application DM/2020/00763 - Full planning application for the change of use of the water sports facility at Llandegfedd to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00317. Llandegfedd Water Sports Centre, Croes-gweddyn Road, Coed-y-Paen**

Application DM/2020/00763 was withdrawn from the agenda to enable discussions to take place involving Gwent Wildlife Trust, Monmouthshire County Council officers, the local Member and the applicant, Welsh Water.

Following these discussions the application will be presented to a future meeting of Planning Committee for consideration.

## MONMOUTHSHIRE COUNTY COUNCIL

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### **6. Application DM/2020/01076 - Use of existing agricultural Dutch barn for the storage of cars. Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk**

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

The application had been presented to Planning Committee in April 2021 with a recommendation for approval. However, the Committee had been minded to defer consideration of the application to investigate whether or not the external works to the building required planning consent or were lawful.

Following investigation it was considered that the works to the Dutch barn were lawful and no further action was required. Accordingly, the external works to the building were considered to be lawful through the passage of time and would not have been required to be advertised as part of this current planning application.

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

- In response to a question raised regarding the reason for imposing a restriction of 13 vehicles only, the Development Management Area Manager stated that Officers had been satisfied that the building could accommodate that number of vehicles being stored as a collection.
- The application site only refers to the building. Therefore, conditions could only be applied to the building, which is the application boundary, and not the surrounding area with regard to the number of vehicles stored on site.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2020/01076 be approved subject to the two conditions outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01076 be approved subject to the two conditions outlined in the report.

### **7. Application DM/2020/01766 - Retrospective application for amendment to previously approved planning application: DM/2020/00669. Beaulieu Barn, 25 Kymin Road, The Kymin, Monmouth, NP25 3SD**

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

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at County Hall, Usk with Remote Attendance on Tuesday, 6th July, 2021 at 2.00 pm**

recommended for approval subject to the five conditions outlined in the report. In addition to these conditions, officers recommended that the details required by conditions two and four are provided prior to approval and agreed by the Delegation Panel and that these conditions become compliance conditions only.

Mr. R. Hatton, an objector to the application, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- The objector's property borders the proposed new development and he has a clear elevated view of it from the south.
- Along with other neighbours he supported the original planning application in 2016 which was to extend the existing small stone dwelling to give a modern standard of residential accommodation.
- This extension would allow for two bedrooms and a small single storey pitched roof extension to the rear of the property.
- A further planning application DM/2020/00669 for minor amendments to the original application was approved in July 2020.
- The planning report indicated an increase in the ridge height of the single storey extension to the rear to match the main building ridge height. No mention of an increase in overall main building ridge height was made in the narrative or the addition of a skylight to the front of the building.
- The submitted plans were not clear and it was difficult to read the various measurements.
- It was not possible to accurately gauge the true extent of these minor alterations.
- The current retrospective planning application has been issued to reflect the dimensions and features of the completed building which are considered to be in breach of the two planning consents.
- The majority of the local objectors consider that the building scale is wrong for the position that it occupies.
- Its appearance is at odds with the existing dwellings in its near vicinity.
- The immediate neighbouring cottages are of white painted brick or stone construction and have an appropriate amount of glazing.
- This building is visible from a number of neighbouring homes and the various footpaths that cross the property does not fit well into the landscape or existing architectural styles.
- Due to the increased roof height of nearly a metre, the building dominates the landscape and degrades the visual amenity.



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- The amount of glazing was excessive and does not blend in sympathetically with the existing landscape. There is no similar building like it on the Kymin.
- In respect of the additional two storey gable extension, this reinforces the feeling of a gratuitous and unnecessary addition and does nothing to add to the charm of the building.
- This part of the Kymin, with the Offa's Dyke National Trail, can give visitors their first impressions of the Kymin. It is important that any new development blends in well with the existing dwellings in the immediate vicinity.
- The Kymin is located within an Area of Outstanding Natural Beauty (AONB). The Wye Valley AONB Office and Monmouth Town Council have both objected to this planning application.
- For the reasons given the objector urged the Planning Committee to refuse this planning application.

The applicant's neighbour Mr. D. Edge, had prepared a video recording in support of the application which was presented to Planning Committee and the following points were outlined:

- The neighbour has lived on the Kymin for 30 years and has no business or financial relationship with the applicant.
- The applicant's house is a three bedroomed property. All of the houses on the Kymin vary in size from two to six bedrooms.
- Therefore, a large three bedroomed house is in keeping with the size of properties on the Kymin.
- The applicant's property is made from natural Kymin stone with an oak frame and larch planking and a natural slate roof. It is very much in keeping with the surrounding area as a rural property.
- The property is located on the edge of the settlement and is not particularly prominent and is surrounded by hedges. Whilst it is overlooked by a few properties, they are some distance away.
- One of the issues raised is the second gable on the rear of the property. The work had been undertaken by the applicant under permitted development legislation based on technical guidance from Welsh Government and had been confirmed by Monmouthshire County Council's Planning Department. Unfortunately, the technical guidance from Welsh Government was incorrect but by the time this had been identified the applicant had already ordered the oak frame which had been manufactured, making it difficult at that time to change the structure.

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- The property is an attractive building in a six acre site and is in keeping with the locality.

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

- The property was considered to be an improvement on what was originally in place on the site.
- In response to a question raised regarding conditions to remove permitted development rights, the Development Management Area Manager stated that this matter refers to a condition relating to lighting which comes under a separate part of the general permitted development order. The previous inspector's decision had overturned a previous condition that removed part 1 which covered extensions and alterations and other minor improvements under permitted development. As this is a householder application it is not presented to Committee to remove Part 1 again via a separate condition for Part 1. However, due to the manner in which the building has already been extended, as well as it being located within the Area of Outstanding Natural Beauty, the amount it could be extended further under Part 1 permitted development rights is limited.
- Ecological enhancements and soft landscaping details would be provided prior to release of the decision notice and agreed via the Delegation Panel so that these conditions could be written as compliance conditions, rather than as indicated in the report of the application.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Webb that application DM/2020/01766 be approved subject to the five conditions outlined in the report. In addition to these conditions, ecological enhancements and soft landscaping details would be provided prior to release of the decision notice and agreed via the Delegation Panel so that these conditions could be written as compliance conditions, rather than as indicated in the report of the application.

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

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01766 be approved subject to the five conditions outlined in the report. In addition to these conditions, ecological enhancements and soft landscaping details would be provided prior to release of the decision notice and agreed via the Delegation Panel so that these conditions could be written as compliance conditions, rather than as indicated in the report of the application.

**MONMOUTHSHIRE COUNTY COUNCIL**

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**8. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:**

**8.1. Appeal decision - Lingfield, Five Lanes, Caerwent, Caldicot**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Lingfield, Five Lanes, Caerwent, Caldicot on 1<sup>st</sup> June 2021.

We noted that the appeal had been allowed and planning permission was granted for front and rear extensions with detached garage at Lingfield, Five Lanes, Caerwent, Caldicot, NP26 5PQ, in accordance with the terms of the application, Ref: DM/2020/01858 dated 14 December 2020, subject to conditions.

**8.2. Appeal Decision - Land adjacent St. Teilo's Church, Llantilio Pertholey**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at land adjacent St. Teilo's Church, Llantilio Pertholey on 5<sup>th</sup> May and 1<sup>st</sup> June 2021.

We noted that the appeal had been dismissed.

**8.3. Cost Decision - Land adjacent St. Teilo's Church, Llantilio Pertholey**

We received the Planning Inspectorate report which related to a costs decision following a site visit that had been held on 5<sup>th</sup> May and 1<sup>st</sup> June 2021.

We noted that the application for a full award of costs was refused. The application for a partial award of costs was allowed.

**The meeting ended at 3.09 pm.**

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**Application Number:** DM/2020/01801

**Proposal:** Use of domestic garage as a dwelling for a temporary period while building works are undertaken on a consented barn conversion

**Address:** Campston Mill, Barry-Cathlea Road, Llanvihangel Crucorney, Monmouthshire, NP7 8EF

**Applicant:** Mr Stephen Leonard

**Plans:** Location Plan P01 - , Block Plan P02 - , Other Schedule of Works - May 2021

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 08.12.2020

**This application is presented to Planning Committee due to it having received five or more objections**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

This application relates to a site in the open countryside. Consent has been granted for the rehabilitation/conversion of an existing dilapidated cottage and a new garage. The garage is now complete.

The site is within the Phosphorous Sensitive Area of the River Wye SAC.

#### **1.2 Proposal Description**

This application seeks to allow temporary accommodation within the existing garage during the works to convert the cottage. The garage is of recent construction and was allowed as part of the same application (DM/2018/01956). The applicant had intended to live on site in a caravan whilst the works were completed to rehabilitate the ruined cottage. This would not require planning permission. However, it became evident that it was not possible to bring a static caravan to site due to the tight lanes. As such, the garage is now being used for living accommodation whilst works to what will be the main dwelling are undertaken. The applicant was subsequently informed that this would require a temporary planning permission.

The original consent is considered to be extant as the garage has been built as well as some underground works to facilitate the conversion of the cottage. The Schedule of Works submitted in support of the application has a move-in date of 14th November 2022.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2018/01956	Redevelopment of ruined structure to form new dwelling with single storey extension to rear & side. New garage with storage over for agricultural machinery and garaging. New driveway and domestic garden reinstated.	Approved	11.10.2019
DM/2020/01261	The variation of condition 2 of planning consent DM/2018/01956, to include the revised set of drawings that shows windows added to ground floor	Pending Consideration	

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

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
 EP1 LDP Amenity and Environmental Protection

### **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**

**Grosmont Community Council** - No formal comments received to date.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Six representations received. Object on the following grounds:

The application is a fabrication set out to deceive and circumvent the planning process.

The suggestion that it will take two years to convert the cottage is ludicrous.

It is the intention of the applicant to live in the garage permanently and rent out the cottage once completed as a holiday let.

The building was insulated to residential standard. Residential windows and doors were installed together with a wood burning stove, satellite dish and propane gas.

There was no intent to use the lower level for agricultural storage or as a car port.

The application states that the garage is not within 20 metres of a watercourse but a watercourse within this distance can be clearly seen from the road way and on a map. Is a residential building, either temporary or permanent, permitted within such a distance?

By allowing this to stand unchallenged you are setting a new precedence for anyone else who would look to do the same thing, and would be making a mockery of your own laws and regulations in the process.

It would be possible to get a static caravan to the site.

## 6.0 EVALUATION

### 6.1 Principle of Development

6.1.1 The applicant states that the works have been severely hindered by Covid 19. To reduce the costs the applicant is having to employ separate sub-contractors which has further delayed the build. However, some underground work has already been carried out, such as drainage works and the installation of a sewage treatment plant as well as an electrical connection.

6.1.2 The applicants could bring a static caravan to the site and reside in there until the works have been completed without the need for planning consent as this is classed as Permitted Development. In this respect, the applicant has advised that the tight lanes around the site meant that this wasn't possible. The use of the existing garage building as an alternative to a caravan is considered to be acceptable in this case, provided that the works to the cottage are undertaken in a timely manner and the use of the garage as living accommodation ceases as soon as possible. To this end, the applicant has provided a Schedule of Works for the cottage to demonstrate that it is the intention to complete the build and move into the cottage as the main residence by November 2022. On this basis, it is considered that the use of the garage for living accommodation for a temporary period only is acceptable. This will be controlled by condition should Members be minded to approve the application.

### 6.2 Good Design/Placemaking

6.2.1 With the exception of some minor alterations to the windows, the external appearance of the garage is as approved under the original consent. As such there will be no additional visual impact as a result of the temporary use.

### 6.3 Impact on Residential Amenity

6.3.1 There are no neighbouring properties within close proximity to this site that could be adversely affected in terms of loss of privacy or noise or disturbance. In addition, the site already has permission for the rehabilitation of the old cottage to a dwelling. The application therefore does not conflict with LDP Policy EP1.

### 6.4 Access / Highway Safety

6.4.1 No changes to access are proposed as part of this application. There is a temporary loss of parking available within the garage but the site is large enough to accommodate the necessary parking provision and turning area within the site without relying on the garage.

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

6.5.1 The main objections to the application appear to be on the grounds that it was always the intention of the applicants to use the garage as a dwelling and let out the cottage once converted back to habitable standards. It is not the function of the planning department to make a judgement on this assumption which has been refuted by the applicant. Notwithstanding this, should the applicant seek to retain the garage as living accommodation in the future then a planning application would be required which would be contrary to both national and local planning policy. Allowing the temporary use applied for therefore, would not lead to the creation of a new permanent dwelling in the open countryside, nor set a precedent for this elsewhere, each case being treated on its merits.

6.5.2 The issue regarding the watercourse would be a matter for NRW who would require a permit for any discharge into this watercourse.

6.5.3 It is unknown whether or not it would be feasible to get a static caravan to the site. However, regardless of this, the use of an existing building on a temporary basis as living accommodation is not contrary to any local development plan policy and therefore there are no grounds to refuse the application and insist a static caravan is employed in this instance.

## **6.6 Foul Drainage (phosphates)**

6.6.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the riverine Special Areas of Conservation (SACs) in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river SACs catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as there is an extant consent under construction for a residential use and this application is for temporary use of the building in lieu of the completion of that consent. There is therefore no net increase above the extant consent. The use of the garage as living accommodation would cease when the dwelling is brought into occupation or by the time set out in condition no.2 below.

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



## **6.8 Conclusion**

6.8.1 The temporary use of the garage as living accommodation whilst works to the cottage are undertaken instead of the use of a static caravan on site is considered to be acceptable in this instance.

6.7.2 The Schedule of Works submitted in support of the application demonstrates that it is the intention of the applicant to complete the works to the cottage by 14th November 2022 and return the garage to its approved use as ancillary to the main dwelling. This can be controlled by appropriate planning condition which would see the use of the building as a dwelling cease by the aforementioned date.

## **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 of the building as a dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner.

REASON: This is a temporary consent. Use of the garage as living accommodation once works to the main dwelling on the site are complete would be contrary to national and Local Development Plan policies to control the building of new dwellings in the open countryside.

### **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.

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**Application Number:** DM/2021/00771

**Proposal:** Full Planning Permission – Provision of timber decking under the existing outside seating area. The decking will include four steps and a hand rail

**Address:** Wye Knot Restaurant, 18A The Back, Chepstow

**Applicant:** Mr John Tallet

**Plans:**  
P16 Location Plan 29.04.21  
P17 Location Plan 29.04.21  
P18 Location Plan 29.04.21  
Drawing 4 Block Plan 01.07.21  
Drawing 5 Construction 01.07.21  
Drawing 6 Site levels 01.07.21  
Drawing 7 Sections 01.07.21

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young  
Date Valid: 13.05.2021

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

1.1.1 Number 18A, The Back is located in Lower Chepstow and is being run as La Ribera Restaurant. Between the front of the restaurant and the river bank is a grassy bank which forms part of the flood defence system. The land rises up from the road at the front to the public footpath. This area is rented from the Council under licence. There are several tables and benches on the land which are used for serving food from the restaurant. There are two willow trees on either side of this seating area.

The site is located within the Chepstow Conservation Area, an Archeologically Sensitive Area and A C1 (protected) Flood Zone. The site is also in a Minerals Safeguarding Area.

#### **1.2 Value Added**

1.2.1 Following objections from members of the public the following amendments have been made to the scheme:

The decking would be placed on the ground, not dug into the bank

Newel posts and handrails have been removed from all areas except where needed for the steps.

The extent of the decking has been reduced

Installation of CCTV cameras

Removal of planters

Decking to be fully removable and lifted each week to bait rat traps

#### **1.3 Proposal Description**

1.3.1 The application seeks to place temporary decking on the existing seating area to provide a more even surface. The decking will cover a maximum area of 12 metres by 4.8 metres and will have a maximum height of 750mm (the area slopes). It will be constructed of timber floor panels each measuring 2.4m by 1.2m. There will be a few steps at the front with a hand rail to the front. The decking will be placed on concrete weights.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
18539	Change of use to snack bar and dwelling over	Approved	09.02.1983
21407	Covered Courtyard and toilets	Approved	08.02.1984
29647	Addition of Bedroom to first floor flat	Approved	21.10.1988
M/12674	Extension to Wye Knot Café and flat over	Approved	04.07.2006
DM/2021/00958	Converted wooden shed to Gin Bar, levelled into rented land	Pending Consideration	

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

#### **Strategic Policies**

S8 LDP Enterprise and Economy  
S10 LDP Rural Enterprise  
S11 LDP Visitor Economy  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development

#### **Supplementary Planning Guidance**

Sustainable Tourism Accommodation SPG 2017  
Chepstow Conservation Area Appraisal SPG 2016

### **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.

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### **Technical Advice Note**

TAN15 Development & Flood Risk 2004

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

**Chepstow Town Council** make no observations on this application due to insufficient information

#### **MCC Estates – no Objection**

The proposals are to make the ground more useable and safer for customers of the premises and consist of small scale ground works to level part of the land and for the installation of decking to include hand-railed steps.

Estates are in discussions with the Premises Manager/Applicant regarding a License to Occupy the Council's land, and have no objection in principle to the proposals, although more detailed information is required prior to consenting to the works.

#### **MCC GI & Landscape**

For a decked area for the public to use either associated as paying clientele for the restaurant or general public set within the 'public realm' there does not appear to be any references for materials or construction to comply with any relevant BS guidance for decking.

There does not appear to be any information related to the installation methodology for work close to or within tree root zones, which appear close to the concrete support pads and southern section of deck (right hand on plan 05). The site is within the Chepstow Conservation Area so any works to trees to raise canopies or impact on the root protection zone (RPZ) for instance should also be a consideration.

For 'high-level' decks over 600mm high – parapet height should be 1100mm. There does not appear to be a measure indicating the height of the balustrade

Where parapets act as safety barriers, e.g. where there are falls are next to a deck edge, in this case to highway, they should be designed and constructed to meet the UK building regulations (the Building Regulations for England and Wales and the Technical Standards for Scotland). I would expect to see the parapet to also protect from falls off edge returns of the decking area to a point that risk is reduced and in the vicinity of the recessed steps. This does not appear to be shown on plan.

**MCC Heritage Officer** - The proposal is within Chepstow Conservation Area. The site is within Character Area 4: The Back, Gunstock Wharf and Riverside. The area is associated with Chepstow's river merchants, the river bank is now a public open space of soft landscaping and trees. It is considered there is no temporary permission as suggested by the application. The use of decking, delineates an enclosed space in association with a commercial premises which negates the open character of the area, and the river bank as an area for general public use. The application is viewed to have a detrimental impact on the special character of the conservation area and fails to comply with policy.

## 5.2 Neighbour Notification

5.2.1 The application has been advertised through formal neighbour notification and formal notice posted on site. At the time of writing 28 comments have been received from neighbours and interested parties. From these, 13 are objections and 15 are in support of the application. These objections and comments of support are summarised below.

In support of the application;

- The development will enhance the character of the area, it is tasteful and uses appropriate materials for its setting.
- The development will provide a suitable space for visitors to appreciate the wider views and context.
- The development will support the local business in difficult times and encourage people to visit and stay in the area.
- The development supports the investment and economy in terms of employment in the area.
- The business closes early and so there will be no issues with antisocial behaviour
- Improves access, providing a level and safe seating area for all to use.

In objection to the application

- The development will have a detrimental impact on the character of the conservation area and the AONB. It will disturb key views into and out of the conservation area as well as views towards the historic bridges.
- The development will have a detrimental impact on the wildlife and SSSI.
- The development is within an archaeologically sensitive area and so will require archaeological mitigation.
- The development affects the flood defences and so undermines their effectiveness.
- The development is contrary to the existing character of open public space, contrary to Policy CRF3.
- The development is contrary to LDP Strategic policies S13 and S17 as well as policies DES2 and HE1
- The development is purely for private use and stops the wider public appreciating the views.
- The decking should be reduced in size to respect the amenity of the immediately adjacent neighbours.
- There are more suitable alternative locations for such development.
- The decking will encourage anti-social behaviour, of which there is already a problem, it will not be locked in the evenings and will be open to abuse.
- The decking is positioned too close to the foot and cycle path.
- There is no need for the decking and this contravenes Sustainable Development Principles.
- There are unaddressed Health and Safety issues.
- There are inaccuracies with the application form and the plans require further information and detailing in order to make a valid decision.
- The area underneath the decking will create a space for vermin and therefore become a public health hazard.

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

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

## 6.0 **EVALUATION**

### 6.1 **Principle of Development**

6.1.1 The principle of using this area of land for an external seating area for La Ribera Restaurant is already established and has been operating under licence with MCC Estates for some time. During the Covid 19 pandemic it has been the Council's policy to support local hospitality and to encourage

the provision of external eating areas. There are many such examples throughout the county. In this case the area is currently used with ad hoc benches for the use of customers of the restaurant. The consideration of the application is therefore the provision of the timber decking which is proposed to create a more stable platform for the tables and benches. There would be no increase in the number of tables being served and no proposed extension to the hours of operation. Strategic Policy S5 of the adopted Local Development Plan supports development proposals that provide and/or enhance community and recreational facilities within or adjoining town or village development boundaries. Under this policy in a general sense facilities used by local communities for social purposes and in a more specific sense, public houses, are considered to be community facilities. Strategic Policy S8 supports sustainable economic growth especially where the proposals enable the continued development of tourism. Development Management Policy CRF1 seeks the retention of existing community facilities.

6.1.2 Therefore the principle of development is considered to be in line with the relevant Local Development Plan Policies and is considered acceptable subject to detailed material considerations as discussed below.

## **6.2 Sustainability**

6.2.1 The Local Development Plan and PPW encourages sustainable development. In this case the restaurant already exists as does the seating area. The proposal is to enhance the dining experience for locals and tourists by creating a level platform on which to place the existing benches. The site is located within one of the main tourist areas in Chepstow, within easy walking distance of other tourist facilities and public transport routes.

### **6.2.2 Good Design**

The timber decking panels will be placed onto concrete weights and will rise up with the contours of the land underneath. There will be four steps on the southern part of the decking and this will have a hand rail to the highest side, one metre in height. The scale of the proposal is acceptable within this context as is the use of tanalised timber panels, given the former dockside character of the area. Owing to its small scale, the decking would not be visually prominent within the wider landscape. The decking would be level with the height of the bund and therefore would not protrude any higher than the existing land features. In addition the balustrade would be positioned at the highest point of the decking closest to the existing buildings and would be viewed in context with the adjacent structures. This arrangement allows the maintenance of key views across the site looking east to west and north-west towards the historic Wye Bridge.

The proposal will be of high quality, sustainable design which will respect the local character of the area. The proposal therefore accords with the main objective of Policy DES1 of the LDP. Given that the height of the decking will be level with the public footpath to the north this will ensure a safe, secure, pleasant and convenient environment which is accessible to all members of the community. The decking is not considered to have a detrimental effect on the appearance of the area. The seating area is in existence and the decking will raise the height of the tables and benches slightly but for the reasons given above it is not considered to impede natural views and panoramas through the site and the increase in height is minimal and as such would not warrant refusal of permission in respect of intrusive or unsightly.

### **6.2.3 Green Infrastructure/Place Making**

6.2.3.1 The applicants had initially proposed to place flower planters around the site but these have now been removed from the scheme as locals residents considered that this may impact on views through the site. The two existing willow trees on either side of the decking will not be impacted by the proposal. The Council's Landscape Officer has not raised any objections in relation to the visual impact of the decking on the landscape views, however concerns were raised in terms of health and safety and root protection zones (RPZ) of the existing trees. Whilst safety is important, this is not a matter for the planning application, and is dealt with under different legislation. In relation to the root protection zones it is considered that as there are no aspects of digging or ground works the RPZ will remain unaffected. However, if any grounds works are subsequently required a condition is

proposed to ensure that appropriate an arboricultural method statement would be required detailing how roots would be protected.

6.2.3.2 The decking is located close to existing willow trees and whilst these are not covered by a TPO, they are within the Conservation Area and so to lop, top or fell would require prior notification to the Council as the local planning authority. An informative would be placed on the decision notice to draw this to the applicant's attention, in the event the application is approved.

### **6.3 Historic Environment**

6.3.1 The site is located within the Chepstow Conservation Area and is seen from the Old Wye Bridge. This area is noted as character area 4 in the Chepstow Conservation Area Appraisal (CAA) SPG as The Back, Gunstock Wharf and Riverside. Characterised by its former function of docks, warehouses and former industrial buildings. The CAA references many open views up and down the river to either of the historic bridges, and that the grassed river banks with seating provide public amenity space.

The Council's Heritage Officer has raised concerns over the visual impact of the decking given the character of the area is open and the river bank is an area for general public use. However the private/public use of the land is not in itself a consideration in terms of the historic environment. The use of the space is currently occupied by patrons of the restaurant/ public house and will continue to be so by virtue of the proposals. The open character of the Conservation Area is a consideration in relation to Policy HE1. Given the decking will only provide a level surface no higher than the existing artificial flood bund, it is not considered to be overbearing or obstructive of wider views. In addition it occupies a small area between the existing (and retained) Willow trees, maintaining the many open views as identified in the CAA. There is no serious adverse effect created by the development. There are no 'protected views' as such, the CAA identifies key views to be protected, which are identified on the appraisals map, and these remain unaffected by the proposals.

Despite the objection, on balance the proposal is considered to preserve the character of the Conservation Area in line with Policy HE1 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **6.4 Impact on Amenity**

6.4.1 The restaurant is already operational and the seating area is well-established. The provision of the decking on the existing seating area will not impact residential amenity over and above the current arrangement. At present the adjacent land uses are a mix of commercial/ office space and residential. To the east and adjacent to La Ribera/The Wye Knot Restaurant is 18 The Back. To the eastern corner of the block of buildings is Willow Tree Cottage, another residential property forming the corner of The Back where it returns in a southerly direction away from the river to join Lower Church Street. 18 The Back is a residential property which is semi-detached to the restaurant and is positioned directly onto the street overlooking the banks of the river in the same way as the restaurant. It has a window at ground floor facing the roadway and the seating area, although the window itself would directly face a lay-by area with planters rather than the proposed decked area. The distance between the front of the property and the raised grassy bank is approximately 5m. The distance from the front of the building to the access steps is approximately 10.5m when measured at an angle (using electronic mapping). The decking will be at its highest point of 750mm at the closest point (9.5m) to the residential dwelling of 18 The Back and that would be at an acute angle. It is acknowledged that the seating area is already occupied with benches at present and while the decking would raise slightly the level of the tables/ seating it is not considered that the provision of such a level surface would intensify this use or cause any further anti-social behaviour over and above the existing situation. It is also noted that there is another outside seating area 50m to the south west in conjunction with The Boat Inn which would generate similar activity in this riverside setting.

It is, however, accepted that this would provide a raised platform which is at its highest where it is closest to the La Ribera/Wye Knott restaurant and 18 The Back. Concerns have been raised by the neighbour who, whilst in support of the business, is concerned over the impact of the proposals on their amenity. At its closest point the decking will be in line with the level of the existing grassy area, currently occupied by seating. Whilst there could be some additional impact on neighbour amenity,



it is considered that this would not result in a significant increase in impact compared to the current situation so as to warrant refusal of the application. At present the two closest residential properties of 18 The Back and Willow Tree Cottage form the immediately adjacent street frontage onto the riverside and co-exist with the current mixed use of public houses and dwellings. The addition of a raised platform which tapers to join the current level of the grassy bund is not considered to increase impact on the amenity of the adjacent land uses to an unacceptable level. Moreover, the roadway immediately in front of those neighbouring dwellings would give rise to activity from vehicular and pedestrian movements that would already have an impact on the amenity of the occupiers of those properties and thus, tempers any slight raising of the tables and chairs on the proposed decked area.

In addition Stuart House, (office use) and The Wine Warehouse (mixed residential and office use) form the two sides of the street frontages forming The Back. It is considered that these buildings are separated by a reasonable distance so that the visual impact of the decking would not have an impact on their amenity.

Therefore the proposal is considered to accord with the objectives of Policy EP1 of the LDP.

## **6.5 Highways**

### **6.5.1 Sustainable Transport Hierarchy and Access/ Highway Safety**

The proposed decking will not impinge on the road or any parking provision and therefore there is no adverse impact to highway safety.

## **6.6 Drainage**

### **6.6.1 Foul Drainage & Phosphates**

No changes to the existing foul drainage are proposed as part of this development.

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated Special Areas of Conservation (SACs). Natural Resources Wales (NRW) has set new phosphate standards for the riverine SAC's of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphate levels will be subject to appropriate assessment and HRA. This application site is located within the 50 metre buffer zone for the River Wye SAC but as the proposal will not result in any increase in foul water discharge it will not have a detrimental impact on any protected SAC, and as a result no further assessment is required. In addition, the River Wye is tidal in this area where the phosphate issue is not relevant.

## **6.7 Tourism**

6.7.1 The Council seeks to support the tourism sector as it provide employment opportunities and generates income for the County. PPW 11 and the LDP support proposals that enhance sustainable tourism facilities. Policy S11 of the LDP states that development proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations. The decking under the existing outdoor seating area in this sustainable location would enhance the customer experience and preserve the character of the area, resulting in the restaurant becoming more attractive to visitors.

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

6.7.1 In reviewing the representations received, there are a number of reasons for objections as follows:

- That the development would have an adverse impact on the character of the Conservation Area - this has been addressed in the preceding paragraphs. It is considered that

development, for similar reasons of scale, size and height will not have an adverse effect on the AONB or the wider landscape views.

- That the development would have an adverse effect on the SSSI - as the decking is placed on the land and is not proposed to be engineered into it, it is not considered to have an effect on wildlife. The decking is also permeable and will not have an impact on flooding or compromise the flood defences in any way.
- That the development does not accord with Strategic Policies S13, S17 and DM Policies DES2 and HE1 - for the reasons identified above it is considered that the application is in accordance with LDP policies.
- That the development is in an archaeologically sensitive area and a full watching brief is required - the development does not involve ground works which would lower existing levels. In addition the bund is made up ground being part of the relatively modern flood defences and so it is not considered that the development would affect any underground archaeology.
- That the development will have an adverse impact on the amenity of residents and encourage anti-social behaviour - as the application relates to the decking only, the use of the space is not proposed to change. It is not considered that the installation of decking will increase the use of the space over and above the existing arrangement. Therefore the impact on neighbour amenity would remain at current levels.
- That there are other more suitable locations - the application seeks permission for decking in the proposed location and it is the consideration of this location that is before the local planning authority.
- That the development is too close to the cycle and footpath - the decking is set back by 2m from the edge of the path. It is considered that this is a sufficient distance to maintain safety and amenity.
- That the development encloses an area of public open space and which will then become solely for private use - as the area of open space is currently used for the patrons of the public house, it is not considered that the installation of decking will change the use arrangements. In addition it is noted that the decking is not enclosed and that the handrail is situated to the south-eastern edge closest to the restaurant/ public house and is for safety only.
- Concerns were raised in relation to licensing which is a separate legal matter.
- That there are inaccuracies on the plans and the application forms - these have been addressed via revised plans and amended forms.
- Comments were received that the development contravenes Sustainable Development Principles, however no further details were provided.
- Concerns were raised in terms of health and safety, however this is properly addressed through separate legislation.

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

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

## **6.10 Conclusion**

6.10.1 The proposal accords with the objectives of Policy S8 of the LDP which supports proposals that assist economic growth within the County. The proposed decking will also help to promote tourism in the area in accordance with the objectives of Policy S11. The small-scale decking would preserve the appearance of this part of the Chepstow Conservation Area and would not impede views into or out of the Conservation Area. The proposal therefore accords with the objectives of Policy HE1 of the LDP. The seating area is already in existence and the proposal will provide a level area for customers - it would not increase the area in size or intensity of the use. The proposal

would not impact on residential amenity and accords with the objectives of Policy EP1 of the LDP. The proposal is considered to be policy compliant.

## **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 Should any ground works involving reducing the existing ground levels at any point be required a full arboricultural method statement, detailing precisely how tree roots will be protected from any damage through any ground lowering, shall be submitted to and approved in writing by the local planning authority prior to any such works being undertaken. The ground works shall then be carried out in accordance with the approved statement.

REASON - To protect important landscape features within the site and to ensure compliance with LDP Policy G11

### **INFORMATIVES**

1 I would advise you that all trees in the vicinity of the application site are within the Conservation Area. No works to these trees (to lop, top or fell) shall be carried out without prior approval from the Local Planning Authority or you have established that such consent is not required as per Section 211 of the Town and Country Planning Act 1990.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/05/21

gan Mr A Thickett, BA (Hons) BTP Dip  
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 3/6/21

## Appeal Decision

Site visit made on 14/05/21

by Mr A Thickett, BA (Hons) BTP Dip RSA  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 3/6/21

**Appeal Ref: APP/E6840/E/20/3263350**

**Site address: Her Majesty's Prison Usk, Maryport Street, Usk, Monmouthshire, NP15 1XP**

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by the Ministry of Justice against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/00635 dated 18 May 2020, was refused by notice dated 17 July 2020.
- The works proposed are: Refurbishment and redecoration of wrought and cast iron balustrades, including the replacement of previous inappropriate repairs using conservation repair techniques. Installation of a reversible secondary balustrade system to improve loading and stability.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the impact of the proposed works on the special architectural and historic interest of Her Majesty's Prison Usk, a Grade II\* listed building.

### Reasons

3. Usk prison lies at the southern end of Maryport Street on the edge of Usk town centre. According to the listing description it was built in 1841/2 and enlarged in 1868. The internal layout is based on the panopticon plan devised by Bentham for the construction of Pentonville Prison in London and which became the model for prison layout for many years. The layout and main fabric of the prison remain largely as it was in the 1860s and the description of the interior includes the metal landings, rails and stairs.
4. According to the Heritage Statement supporting the appeal application, the balustrades at HMP Usk have *'high evidential value as an original component of prison construction'* with *'many Victorian balustrades having been replaced elsewhere such as at HMP Cardiff'*. Further; *'the balustrade has high historic value as an original design component of the Pentonville prison model'* and *'are not only evidence of Victorian*

*prison design, but have potential to yield further information on development and change in detail, design and specification of materials over the twenty year period that the residential wings' span'. My observations confirm the Heritage Statement's finding that; 'Open balustrades and open grid cast iron walkways allowed for largely uninterrupted views down the residential wings from the central rotunda, and thus maximum surveillance with little additional manpower'. I agree that the design of the balustrades contribute to the overall regularity and symmetry of the wings radiating from the central rotunda.*

5. Having never set foot in a prison before, I also agree with the author of the Heritage Statement that the; *'balustrade has high aesthetic value, and can immediately be identified as a quintessential element of prison architecture in the national consciousness, through depictions in prison related dramas as diverse as "Porridge" and "Bad Girls" to prison scenes in historical dramas'. According to the list description, the building is 'Listed II\* as a mid C19 gaol, illustrating design and social principles of the day, and mainly unaltered'. For these reasons, I consider the prison to be highly significant architecturally and historically.*
6. The main part of the prison comprises 3 wings (A, B and C) radiating out from a rotunda. The cell blocks are accessed through arched openings and are two-storey with barrel vaulted ceilings. There are windows at the end of wings A and C, at the end of wing B is the library. The corridors are lined with cells. Cells on the first floor are served by an iron balcony walkway with iron diamond grid flooring overlaid with boarding and vinyl sheet flooring. The balcony is supported on iron brackets and has a slender iron balustrade, supported on cantilevered iron brackets.
7. The walkways run the full length of the wings on both sides. The walkways to wings A and C connect directly into the rotunda with a balcony forming a bridge across the connecting opening. The walkway to wing B ends in a bridge across the connection to the link block. Within the link block, a gangway supported on iron beams spans the balcony at the termination of wing B and a second gangway spans the connection to the rotunda. Within the rotunda, the bridges at the entrances to the wings are connected by balconies to the north and south east walls. Each wing has two staircases, one original the other modern. The original staircases have similar detailing to the balconies.
8. The first floor walkways and handrails are formed from metal brackets cantilevered from the walls. A metal diamond grid mesh floor spans between brackets and metal uprights at the end of each bracket. A handrail runs between the uprights beneath which are cross braced round bars and a central vertical bar meeting at a circular boss marked 'VR'. The combination of the high vaulted ceilings, the largely open balustrade and fine detailing of the bars gives the wings a light and airy feel.
9. The proposed works include the restoration of the balustrade including putting right previous unsympathetic repairs. This is to be welcomed. In addition, the wrought and cast iron handrails would be encased in a secondary balustrade system, increasing the load capacity of the walkways and the height of the balustrades to 1.5m. The secondary balustrade would be fixed to the existing cast iron cantilever brackets that support the walkways. New weld mesh would be installed to the inner face of the balustrade.
10. Securing the new balustrade would require 3 holes to be drilled in every upright in order that it could be bolted to the existing. Support for the new horizontal rails and steel plates would be provided by drilling through and bolting a new bracket to the existing cast iron brackets (two holes). The works to install the secondary balustrade

are described as reversible as the holes drilled through the cast iron would be filled and, according to the appellant, not noticeable to the 'casual eye'. Given that it would be necessary to drill tens if not hundreds of holes, I am not persuaded that the damage the works would cause to the existing, historic fabric could be concealed were the secondary balustrade removed. Beyond saying that the holes would be filled there are no details of how this would be done or what measures would be needed to ensure that the current appearance of the uprights and brackets would be reinstated. Nor am I persuaded that restoration to a standard to satisfy a casual eye is good enough for a Grade II\* listed building, particularly given the acknowledged importance of the features that would be affected by the proposed works.

11. Looking at the plans and the virtual overlays the secondary balustrade, with its thick box steel beams, would look heavy and brutal in comparison to the finer detailing of the existing structure. Encasing the balustrade below the existing handrails with weld mesh would also be in direct conflict with the original design concept of open balustrades and open grid cast iron walkways enabling '*maximum surveillance with little additional manpower*'. I appreciate that this is a prison, but the proposed works would result in significant harm to the buildings aesthetic and the light, airy feel to the wings. Consequently, I agree with the authors of the Heritage Statement that the proposed works '*will no doubt have a negative impact on the appearance of the residential wings and will impact on their aesthetic significance*'.
12. The appellant's commissioned a structural survey of the balustrades which concluded that their structural capacity is not sufficient for a modern prison environment and warns of a risk of failure, particularly under extreme loading conditions. However, it also notes a lack of distress or apparent failure which suggests they have the same or higher structural capacity as when they were constructed and suggests that loads have not been significantly exceeded through the life of the building, that being around 160 years.
13. The surveyors acknowledge that the only way to achieve the design loads specified by the appellant is to construct a secondary system as proposed. Nonetheless, their recommendation is the acceptance of a lower design load and maintaining the walkways in their current state. I set out their final conclusion in full: '*The building is grade II\* listed and the hand railing and walkway appears to be a significant feature of the original design. Based on this the impact of any repairs, strengthening or new construction on the historic fabric would have to be considered and justified. Part of this justification would need to be a discussion regarding the required loading and why this could not be relaxed in this instance*'.

## Conclusions

14. I acknowledge the high level of responsibility carried by the Ministry of Justice and the Prison Service with regard to the safety of all the users of the prison, many of whom are vulnerable. According to the appellant, a 1.5m high balustrade is considered essential to prevent self-harm or harm through accident or malicious intent. I have taken into account the findings of the surveys which conclude that the structural capacity of the handrails is not sufficient for a modern prison environment and warns of a risk of failure. That these works include refurbishment and repair and would enable the current use of the prison to continue, thereby preserving the historic fabric, is also a significant material consideration.
15. Nonetheless, I am not persuaded that the proposed solution is the only way this can be achieved. For the reasons given above, I do not consider that the specification for the balustrades has proper regard for the age of HMP Usk or its architectural or

historic significance. Having regard to all matters raised, I conclude that the proposed works would not preserve the special architectural and historic interest of this Grade II\* listed building and that the appeal should be dismissed.

*Anthony Thickett*

Inspector