

Public Document Pack



Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 27 Medi 2021

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 5ed Hydref, 2021, 2.00 pm
Remote Meeting

AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ymddiheuriadau am absenoldeb	
2.	Datganiadau o Fuddiant	
3.	Cadarnhau cofnodion y cyfarfod blaenorol	1 - 6
4.	Ystyried yr adroddiadau Cais Cynllunio canlynol gan y Prif Swyddog Menter (amgaeir copïau):	
4.1.	Cais DM/2020/00636 - Adeilad amaethyddol lletya defaid / defnydd cyffredinol. Fferm Henrhiw, Coed y Mynach, Brynbuga.	7 - 20
4.2.	Cais DM/2021/00724 - Anedd ar wahân arfaethedig newydd i ochr Rhif 2 Heol Ifton. Tŷ Newydd, 2 Heol Ifton, Rogiet, NP26 3SS.	21 - 32
4.3.	Cais DM/2021/01000 - Rhyddhau amodau 4, 5, 9, 11, 12, 14 a 15 sy'n ymwneud â chais DM/2020/00234. Pathways, Vinegar Hill, Gwndy.	33 - 42
5.	Adroddiad Cadarnhau: Gorchymyn Cadw Coed MCC289 (2021) - Tir yn Well Farm, y Grysmwnt.	43 - 52
6.	Apeliadau Newydd a Dderbyniwyd - 1 Mehefin 2021 i 22 Medi 2021.	53 - 54

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 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 gytundeb 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 (Mehefin 2015)

Polisi Cynllunio Cyhoeddus

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

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

Materion eraill

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

Deddf Cynllunio (Cymru) 2016

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

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

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

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

Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

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

Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

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

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

(ii) Nad oes dewis arall boddhaol.

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

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

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

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

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

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

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

Trefn Troseddu ac Anrhefn 1998

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

Deddf Cydraddoldeb 2010

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

Mesur Plant a Theuluoedd (Cymru)

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

Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio

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

Pwy all siarad

Cynghorau Cymuned a Thref

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

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

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

Aelodau'r Cyhoedd

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

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

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

Ymgeiswyr

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

Cofrestru Cais i Siarad

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

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

Mae'n rhaid i unrhyw un sy'n dymuno siarad hysbysu Swyddogion Gwasanaethau Democraidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i registertospeak@monmouthshire.gov.uk. 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.

This page is intentionally left blank

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee

County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 2.00 pm

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

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

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

County Councillors M. Feakins and R. Harris

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 3rd August 2021 were confirmed and signed by the Chair.

3. Application DM/2019/00799 - To provide a pre-school educational facility, to inform young children about the natural environment by providing safe, natural outside space for supervised walks and activities. In addition, the provision of two holiday let timber pods to provide sleeping accommodation for guests, plus chemical toilet and rain shelter. Field Nos. 5735 And 4455, Whitecastle, NP7 8UD

We considered the report of the application which was recommended for approval subject to the 11 conditions outlined in the report.

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

- In response to questions raised, it was noted that children will be dropped off at the pre-school educational facility for periods of three to four hours per day with a maximum of 12 children present at any given time.
- With regard to there being only one toilet facility, one shared facility had been deemed appropriate to serve the pre-school educational facility and the holiday

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee

County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 2.00 pm

accommodation. However, due to the modest numbers of children and holiday makers and that the children would only be present for certain periods of the day, it had been considered by Planning officers that this arrangement would be acceptable.

- The application is retrospective. No enforcement action has been served as the current application is the result of the enforcement investigation phase of the enforcement case.
- Pre-school children would be closely monitored by qualified staff when using all facilities on the site.
- It was noted that a condition could be added that any built element on the site that ceases its approved use is then removed from the site within a specific timescale.

It was proposed by County Councillor R. Edwards and seconded by County Councillor M. Powell that application DM/2019/00799 be approved subject to the 11 conditions outlined in the report and also subject to an additional condition:

- That any built element on the site that ceases its approved use is then removed from the site within a specific timescale.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00799 be approved subject to the 11 conditions outlined in the report and also subject to an additional condition:

- That any built element on the site that ceases its approved use is then removed from the site within a specific timescale.

4. Application DM/2020/00636 - Sheep housing / general purpose agricultural building. Henrhiw Farm, Monkswood, Usk

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

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

- Concern was expressed that the ground between Henrhiw Farm and the Barns might have been separated.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee

County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 2.00 pm

- The two sheds that have been agreed were officer delegated decisions some time ago.
- Concern was expressed that the height of the proposed buildings would be excessive for a rural location and questioned whether such a building was required for sheep farming.
- The whole site needs to be re-evaluated.
- The application for the residential caravan on the site is to be located one mile away and is detached from Henrhiw Farm.
- It was considered that the bunding on the site had not been agreed.
- A section of the application site is located on unauthorised hardstanding. It was considered that the application should therefore not be approved.
- The local Member asked that the Planning Committee defer consideration of the application to undertake a full review of the proposal and hold a site inspection.

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

- The existing building is being used for agricultural purposes and storage of equipment.
- The proposed new building is required as the existing buildings are not fit for purpose for the expansion of the sheep flock. The proposed building needs to be a certain height to allow for ventilation and would aid in the expansion of this enterprise.
- The enterprise is a separate unit from the main farm.
- Some Members considered that a site inspection would be beneficial before determining the application.
- Approval of the application will authorise the element of hardstanding outlined in the report.
- Sheep are only indoors for a limited period of time. Poly tunnels are an alternative option for use at lambing time.

The local Member summed up by expressing her support for a poly tunnel at the site instead of the proposed additional agricultural building.

It was proposed by County Councillor P. Murphy and seconded by County Councillor D. Evans that application DM/2020/00636 be approved subject to the eight conditions outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee

County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 2.00 pm

It was also proposed by County Councillor A. Webb and seconded by County Councillor S. Woodhouse that we be minded to defer consideration of application DM/2020/00636 to allow the Planning Committee to hold a site inspection before re-presenting the application to a future Planning Committee for determination.

The Planning Committee firstly considered the proposition to approve the application, as follows:

For approval	-	7
Against approval	-	7
Abstentions	-	0

The vote was tied. Therefore, the Chair exercised her casting vote and voted against approval.

The proposition was not carried.

The Planning Committee considered the proposition to defer the application to hold a site inspection before re-presenting the application to a future Planning Committee for determination.

For deferral	-	10
Against deferral	-	3
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2020/00636 to allow the Planning Committee to hold a site inspection before re-presenting the application to a future Planning Committee for determination.

5. Application DM/2021/00724 - Proposed new build detached dwelling to side of No. 2 Ifton Road, Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS

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

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

- The site was considered to be too small to accommodate the proposed new dwelling and would result in overdevelopment of the site.
- The road is too narrow and is already congested. An additional property on the site with additional vehicles parking there would further exacerbate the congestion issue.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee

County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 2.00 pm

- The value of the host property could be diminished if this application was approved. There is less than one metre distance between the host property and the proposed new dwelling.
- Concern was expressed regarding the amenity of the single storey structure regarding the windows. It was considered that there would be a negative impact regarding the outlook from those windows.
- The Development Management Area Manager informed the Committee that the issues of overbearing and suitability of the plot for a dwelling, size and scale are subjective matters. There are no specific set of measurements / plot sizes set out in the Supplementary Planning Guidance (SPG).

It was proposed by County Councillor P. Murphy and seconded by County Councillor G. Howard that we be minded to refuse application DM/2021/00724 on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties.

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

For refusal	-	13
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to refuse application DM/2021/00724 on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties.

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

6.1. Bushes Farm, Earlswood

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Bushes Farm, Earlswood on 29th June 2021.

We noted that the appeal had been dismissed.

The meeting ended at 3.29 pm.

This page is intentionally left blank

Application Number: DM/2020/00636

Proposal: Sheep housing/ general purpose agricultural building.

Address: Henrhiw Farm, Monkswood, Usk

Applicant: Mr Gregory Lippiatt

Plans: All Proposed Plans Tree and Hedgerow Planting Method Statement - , Location Plan RAC/8624/4 - , Site Plan RAC/8624/5 Rev. 1 - , Elevations - Proposed RAC/8624/6 - , Other Supporting Agricultural Appraisal

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton
Date Valid: 19.05.2020

This application was deferred at the Committee meeting held on 7 September to enable a site visit to be made. The notes of the site inspection will be presented as late correspondence.

The previous report and recommendation to committee are presented below.

REPORT TO PLANNING COMMITTEE 7th SEPTEMBER 2021

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application seeks full planning permission for a new steel portal frame, agricultural building to house sheep at a farm known as Henrhiw Farm, Monkswood. The holding extends to 54 hectares (133.5 acres) of which 16 hectares/ 40 acres is owned and 38 hectares/ 94 acres of the adjoining land is rented on a 10 year farm business tenancy.

The existing yard is positioned on the eastern side of the holding and currently contains two steel portal frame buildings both of which were approved in 2017- an open fronted building on the south-eastern side of the yard, adjacent to which the current proposal would be developed (DC/2017/01107 refers) and a building on the south-western side of the hardstanding enclosed by roller shutter doors (application DC/2017/01370 refers). Both buildings were approved under the agricultural notification process and are to be used for the storage of implements and machinery. The open fronted building on the south-eastern side of the yard currently contains a log cabin which is the subject of application DM/2020/01292 for its retention and relocation.

Details submitted in support of the application specify that the applicant has the following equipment and machinery:

- two tractors;
- a full range of haymaking and silage equipment - a hay bob/ rake, mower, baler and wrapper;
- an excavator for drainage and maintenance work on the farm;
- a telehandler;
- a quad bike;
- an assortment of trailers – to include, a solid sided tipping trailer; flat bed, sheep, cattle and quad bike trailer;
- Post basher/ hedge trimmer;
- Fertiliser spinner;

- Plough
- Various ring and concentrate sheep feeders
- Galvanised sheep hurdles
- Power harrow
- Chain harrows

The building the subject of the current application will be positioned to the north-east of the existing open fronted building, adjacent to the access leading to the Glascoed Ordnance factory. Part of the hardstanding on which the structure would be erected is currently unauthorised and the subject of a retrospective application for planning permission- DM/2020/01153 refers

1.2 Value Added

Additional details relating to landscaping and foul water disposal have been provided during the course of the application.

1.3 Proposal Description

The application seeks full planning permission for the development of an open fronted steel portal framed building to be used for the accommodation and lambing of ewes. The proposed building will be located adjacent to the south eastern boundary of the site.

The proposed building dimension would measure 54.9m wide, 12.1m deep with a pitched roof with a maximum height of 6.72m. The building would be steel framed with three walls and the roof clad in olive coloured galvanised steel. Removable Galebreaker material used on the north-western elevation overlooking the yard. It is proposed that additional landscaping (trees and hedgerows) be provided to the north-east of the development, either side of the existing access to the site.

During 2020 the applicant started purchasing poll Dorset sheep and currently has a flock of approximately 135 ewes but intends to increase the flock to 350 breeding ewes over the next three years. As younger Dorset ewes have a shorter gestation period, it is anticipated that the flock would lamb three times over a two year period. Although it was the applicant's intention to breed the flock in September, a number were covered earlier in the year by a neighbour's ram. As a result, lambing has been underway on an intermittent and ad hoc basis since later November with the part of the existing open fronted building used for mothering and monitoring.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01131	Proposed new agricultural building for the storage of farm machinery in a secure building.	Withdrawn	16/07/2018.
DM/2019/01955	Proposed agricultural building for storage use.	Withdrawn	20.12.2019
DM/2019/01998	Retention of temporary rural enterprise worker's dwelling.	Withdrawn	19.05.2020

DM/2020/01292	Retention of a temporary rural enterprise worker's dwelling.	Pending Consideration	
DC/2017/01102	Proposed erection of agricultural building - 120 x 40ft.	Approved	18.10.2017
DC/2017/01370	Proposed new agricultural building for the purpose of storage of farm machinery in a secure building, including hard standing area for turning machinery.	Approved	16.01.2018
DM/2020/01153	Retrospective planning application for hardstanding area.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

RE4 LDP New Agricultural and Forestry Buildings
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanbadoc Community Council - The community council objected on the basis the building is not reasonably required for agriculture.

MCC Urban Design Officer - Concerns raised by conditions recommended.

MCC Ecology – Conditions recommended

MCC Environmental Health Officer - Concerns raised regarding noise but no noise assessment requested.

MCC Highways Authority - No objection.

Local Lead Flood Authority - No objection, subject to a condition and informative.

Sustainable Drainage Approving Body (SAB) - The SAB advised that SAB approval is required.

Natural Resources Wales – Concerns raised with regards to the proposal. Conditions with regard to a Construction Environmental Management Plan are recommended.

No objections raised with regards to the foul water disposal and impacts on the defined phosphate sensitive area of the river Usk to the proposed development as submitted and provide the following advice.

HM Explosives Inspectorate - No response received.

5.2 Neighbour Notification

Following direct neighbour notification and the erection of a site notice, four letters of objection from two households have been received, raising the following concerns:

- No objection to the site being used for storage only, as planning was originally approved for, or sheep.
- Plans do not accurately depict adjacent properties;
- Proposed building will be within 10m of a watercourse;
- Adverse noise impact arising from the active industrial enterprise is operated from the site, in the form of buying, repairing, refurbishing and selling second-hand farm machinery.
- Proposed development is 6m from the boundary with Little Henrhiw; and
- Another building will encourage further expansion of a non-farming enterprise and turn the site into a business park.
- The application site has been occupied for most of this year (2020) by large agricultural machinery of the type being sold. There is very little evidence of agricultural/ farm use

5.3 Local Member Representations

Ward Member, Cllr V Smith, was notified of the application on the 4th June 2020. No objections or representations have been received.

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

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

6.0 EVALUATION

6.1 Principle of Development

The site is positioned on the eastern boundary of a wider agricultural holding, in an area of open countryside within the community of Llanbadoc. There is a general presumption against development in the open countryside unless the proposal accords with national planning policy or specific policies in the LDP.

In respect of this proposal, Policy LC1 of the LDP permits new built development in the open countryside if it is compliant with subject policies in the plan and meets the criteria identified in policy LC1. The specific relevant policy in this case is RE4 which supports new agricultural buildings.

Policy RE4 of the LDP allows new agricultural buildings providing they are reasonably required for agriculture and have adequate provision for foul and surface water disposal.

Based on the information submitted, the building is required for the purposes of agriculture to house sheep. The applicant currently has a flock of approximately 135 Dorset ewes and intends to increase the number of breeding ewes to 350 over the next 3 years. Although there are other buildings on the yard, the roller shuttered door building is not suitable for the accommodation of livestock due to layout and reduced ventilation, air movement and circulation. The agent has advised that despite being used at the current time, the existing open fronted building to the south-west of the current proposal is too small for long term use by the intended flock size and is needed for the storage of existing implements and machinery.

Regulation 4(1) of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. No. 3070. (W.264)) states that a person responsible for a farmed animal must take all reasonable steps to ensure that the conditions which it is bred or kept comply with Schedule 1 of the regulations.

Regulation 4(2) of the above states:-

- in deciding whether the conditions under which animals are being bred or kept comply with the requirements set out in Schedule 1, a person responsible for a farmed animal must have regard to their species, degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with good practice and scientific knowledge.

In accordance with the above, the Welsh Government Code of Practice for the Welfare of Livestock: Sheep, March 2010, encourages all those who care for farm animals to adopt the highest standards of husbandry. Freedom from discomfort through the provision of an appropriate environment including shelter and a comfortable resting area, is one of the 'Five Freedoms' defined and elaborated by the Farm Animal Welfare Council. These form a basis for the assessment of welfare within any system together with the actions necessary to safeguard welfare within the constraints of an efficient livestock industry. The number and type of sheep kept and the stocking rate and/or housing density should depend on the suitability of the environment, the capacity of the farm, the competence of the shepherd and the time available to carry out his or her duties.

Schedule 1, paragraph 4 of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. 2007 No. 3070 (W.264)), states that, where any animals (other than poultry), are kept in a building:-
- they shall be kept on, or have access at all times to, a lying area which either has well-maintained dry bedding or is well-drained. Schedule 1, paragraph 9 states: the freedom of movement of animals, having regard to their species and in accordance with good practice and scientific knowledge, must not be restricted in such a way as to cause them unnecessary suffering or injury.

It is recognised that the winter housing and indoor lambing of sheep can improve welfare subject to adequate ventilation, sufficient trough space and lying area being provided. The space allowance and group size for housed sheep should be determined according to age, size and class of livestock. The following examples of good practice are given within the WG code of practice:

Category of Sheep relative to Space allowance

- a) Lowland ewes (60 - 90 kg liveweight) - 1.2 - 1.4 m² floor space per ewe during pregnancy.
- b) Lowland ewes after lambing with lambs at foot up to 6 weeks of age 2.0 - 2.2 m² floor space per ewe and lambs.
- e) Lambs up to 12 weeks old - 0.5 - 0.6 m² floor space per lamb.
- f) Lambs and sheep 12 weeks to 12 months old - 0.75 - 0.9 m² floor space per lamb/sheep.

Where possible pregnant ewes should be kept in groups of less than 50 to allow for better individual recognition and attention at lambing time.

In accordance with the information provided by various Dorset Breeding Clubs, the Dorset is considered to be a versatile breed able to adjust to a wide range of conditions i.e. hill ground or lowland, with an average weight of 68-91 kg (150-200lbs).

The following information has been provided by the agent:

"The proposed building measures 54.9m x 12.1m (664m²) which would provide sheep housing and storage for hay and straw bedding. This enables the bales to be easily collected from the storage area within a single building during the busy lambing period – which is particularly useful if it is snowing or during the night.

Recommended space requirements for a large ewe and lambs up to 6 weeks old are 2.2m² of floor space per ewe plus 0.4m²/ewe for a separate creep area for lambs which would be housed during the winter period – equating to a space requirement of 2.6m²/ewe.

Following lambing in communal pens, the ewe and her lamb(s) would be taken to individual mothering up pens for the ewe to form a strong maternal bond. This would require an area of 2m² per ewe. In a flock of this size it would not be unusual for 25-30 ewes to lamb in a single day. Therefore, the pens account for another 60m² of floor area.

Thus, the building would provide space for:
Lambing area - 175 ewes x 2.6 = 455m²
Mothering up - 30 ewes x 2.0 = 60m²
Storage of bedding/ straw and hay = 150m²

If some of the flock drifted over from the previous lambing period because they did not conceive, or if the flock increased in size, the building would be able to accommodate them through flexibility of use and design."

The agent has advised that the lack of accommodation has resulted in a higher level of lamb mortality during the latest lambing period.

Although relatively large, the building proposed is considered functional and utilitarian in form and is designed to meet the current and anticipated needs of the holding. It is also considered that the further investment in infrastructure is representative of the applicant's intention to grow the agricultural enterprise. There is no evidence to suggest that the proposed building would be used for anything other than agriculture.

The Local Lead Flood Authority (hereafter referred to as the LLFA) has commented on the application and advised that the site is in an area of surface water flooding. A condition is therefore required to manage surface water. There will be no foul drainage associated with the proposals.

It is therefore concluded, that subject to condition, the proposal accords with LDP Policy RE4.

Other requirements of Policy LC1

Policy LC1 is a criteria-based policy and the requirements are considered in more detail below.

a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5; b) new buildings are wherever possible located within or close to existing groups of buildings;

The building would be positioned on the south-eastern edge of an existing yard area, adjacent to other farm buildings. The other farm buildings are approximately 6.2m in height and the proposed building would be 6.72m. The limited difference in height and similar appearance with the existing buildings would ensure the proposed building would read in the landscape as a natural addition to

the farmyard, assimilating with the existing landscape and would meet criteria a) and b) of Policy LC1.

c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; d) the development will have no unacceptable adverse impact on landscape, historic/cultural or geological heritage, biodiversity or local amenity value

The proposed building is designed for an agricultural purpose and has a typical form of building of this nature found in a rural context. Although the building would have a larger footprint than the others on site it would be similar in height (as discussed above). Given its close positioning to the existing buildings and access to the site, it is considered that the scale and bulk of the building would not appear incongruous and would respect the surrounding countryside setting.

Given the design, form and position of the building relative to the existing yard and building in association with landscaping measures proposed and the rising topography of the applicant's land holding to the south-west, it is considered the proposed building will not have an unacceptable impact on the landscape, historic/ cultural or geological heritage of the wider area

The building would be located on the south-eastern edge of the hard-surfaced yard area. As a result of the existing approved developments the specific site of the proposed building has limited biodiversity value although this will be discussed further below.

Impact on local amenity is discussed in more detail below under the sub-heading 'residential amenity'.

Considering the development in the context of Policy LC1 together with Policy RE4, it is concluded the principle of development is satisfied. Other material considerations which require assessment are detailed below.

6.2 Design and Visual Impact

The building will be a steel portal framed, pitched roof building with a floor area of 669m². Externally the elevations and roof would be finished with olive coloured plastic-coated sheets. The north-western elevation would be open fronted with the exception of installation of 'Gale Breaker' material during lambing. It is considered that the development proposed would appear agricultural in form and appearance and would be in keeping with the yard setting.

The proposed building would be sited so the width would be parallel to the site boundary with the smaller gable elevation visible from the A472 to the north-east of the site.

The Council's Landscape Officer raised a holding objection based on a lack of a sufficient landscaping plan. The applicant subsequently submitted an additional landscaping plan showing the provision of five trees and a hawthorn/hazel hedgerow to be planted along the bank of the watercourse to the north-east of the development, either side of the existing vehicular access. Although the Officer remains concerned regarding the lack of detail and has suggested a number of conditions, the landscaping would offer screening to the building and wider yard area when viewed from the A472. Given the site is an existing agricultural holding and yard and has no existing landscaping, the proposed planting is considered acceptable and would offer screening to soften the appearance of the existing and proposed developments. Having reviewed the location of the planting, the LLFA have raised no concerns with regards to its proximity to the watercourse.

Although the proposed building is large, it is considered that its siting on the lowest part of the land holding, adjacent to existing buildings and the highway and the provision of additional landscaping to screen the proposal will prevent the building from having such a detrimental impact on the character and appearance of the area to warrant refusal of the application.

Subject to conditions, it is considered that the application complies with LDP policies DES1 and RE4.

6.3 Residential Amenity

The building will be located on an established yard and introduce a large building which has capacity to house up to 350 sheep. The yard is already in an agricultural use. Although the existing buildings were approved for storage purposes, subsection A.2(1)(a) of Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 does allow the existing structures to be used for the accommodation of livestock in exceptional circumstances (i.e. quarantine; an emergency arising from the damage or loss of buildings from fire, flood or storm; for the accommodation of sick or newly born animals or for shelter against extreme weather). The proposed development would introduce a purpose built livestock building that could be used for the accommodation of livestock for a longer period than that approved by A.2(1)(a), which in turn could generate noise and odour issues for adjacent residential properties.

The nearest neighbours are Little Henrhiw and Lisvane. These properties are located approximately 85m and 115m away, respectively. The residential curtilage of Little Henrhiw is approximately 25m from the building, separated by the access road into the BAE Systems base.

The agent has advised that the sheep will be bed on straw which will be replenished approximately twice per week. This is to prevent odour and to prevent infections which could adversely affect the ewes and lambs. Given the building would be covered and subject to appropriate management, it is considered that the odour generation is likely to be limited. Furthermore, given the rural context of the site the odour associated with the building is unlikely to be perceptible to the nearby neighbours, especially given the separation distance.

In terms of noise, the open side of the building will face into the yard and the elevation closest to the site boundary adjacent the nearby dwellings would be solid. It is considered that the orientation of the building and appropriate management in terms of feeding would assist with reducing noise levels. Given the existing ambient noise levels arising from the A472, the intermittent use of the building for lambing and weather protection, the separation distances that would be maintained with the adjacent dwellings and the rural context of the site, it is considered the noise levels associated with the proposed use would be not be harmful to an extent which would warrant refusal of the application.

The Environmental Health Officer had raised concerns regarding the noise level but does not consider their concerns substantiate a reason for an objection.

Following consultation, an objector has identified that they have no objection to the use of the buildings for storage or sheep. Their objections with regards to noise are in relation to that generated by the use of the existing buildings for the repair, refurbishment and subsequent sales of agricultural kit and machinery. In response the Agent has advised that whilst the applicant was previously operating a machinery sales business from the site, this enterprise has now been relocated. The use of the existing buildings for anything other than agriculture could be the subject of enforcement action. In line with the interpretation of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, if within 10 years of the date of approval the agricultural use of the existing buildings permanently ceases and an alternative use is not granted by the Local Planning Authority, the buildings must be removed and the land restored to its original condition.

To conclude it is acknowledged there may be an impact in terms of odour and noise arising from the use of the building. However, it is considered that the impact would not be of a level so out of keeping with the rural setting or harmful to residential amenity to warrant refusal of the application. It is therefore considered that the proposal accords with the relevant criteria of policies RE5 and EP1.

6.4 Biodiversity

The building would be located on the south-eastern edge of the hard-surfaced yard.

Following consultation Natural Resources Wales (NRW) have raised concerns regarding the application but have advised that the application could be approved subject to the imposition of a Construction Environmental Management Plan (CEMP) condition.

Following consultation the Council's Ecologist has advised that the site is within the buffer of the River Usk SAC and will need to be the subject of a Habitats Regulation Assessment (HRA). Following review of additional information in relation to Ecology, the Officer has raised no objection to the application subject to conditions and the application being reviewed as part of the Habitats Regulation Assessment (HRA). This process was initiated 19 January 2021 with a subsequent NRW response received on the 2nd February 2021, stating:

"We have reviewed the HRA Screening Matrix & Appropriate Assessment, prepared by your Authority in respect of the above application. We are satisfied with the conclusions of the Appropriate Assessment and believe the conditions identified are appropriate to avoid adverse effects on the River Usk Special Area of Conservation (SAC). However, we recommend the following reason be added to the Landscape Plan Section (page 14) to include: "REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC." Matters with regards to the phosphate implications on the SAC are discussed below.

Although some new areas of landscaping are proposed to the north-east of the development, details with regard to biodiversity net gain have not been submitted in support of the application. These could however be secured by condition. The Council's Landscape/ Urban Design Officer has also identified that additional details with regards to the landscaping will need to be sought by condition.

Subject to conditions to secure sufficient and appropriate compensation, mitigation and biodiversity net gain, the provision of additional information with regards to landscape, the imposition of a CEMP condition and the successful completion of the HRA process, the application is considered compliant with LDP policies S13 and NE1.

6.5 Highway Safety

The yard and wider holding already benefits from an existing vehicular access which would not be altered by this proposal. It is considered that the introduction of an additional building on the site would not significantly increase the use of the access beyond how it could currently be used. Following consultation, the Highways Department has raised no objection to the application. Given the existing access and on-site parking and turning provision, the application is considered compliant with LDP Policy MV1.

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

The LLFA has assessed the proposals and confirmed the site lies in an area affected by surface water flooding.

In response the Agent has provided the following response:

"The hardcore yard does not allow immediate run-off from the surface as it is permeable. There is no potential for run-off into the ditch to the east of the site because there is a slight gradient away from the ditch towards the north-west and so any surface water during sustained heavy rainfall events would eventually flow into the field where it percolates into the soil. There would be no vector for run-off from the hardstanding area into the ditch.

The proposal does not involve any discharge of roof water to the ground or neighbouring watercourses and so does not present any increase in flood risk. (It is proposed that) the roof water will be captured and used to replace mains drinking water for the sheep flock. A proposed rainwater harvesting system will remove a significant load of water ultimately accessing the

watercourses during heavy rainfall periods, thereby reducing flood risk further downstream or impacting upon water quality due to run-off.

The water harvesting system will be buried and so will not visually impact on the surrounding area or be susceptible to impact damage by vehicles or animals. This will enable the rainwater to be contained as close to the source of the run-off as possible – the tank which will be sited underneath the building upon which the rain falls.

The storage system, which will harvest the entire roof run-off, will be stored in a 20,000 litre tank buried underneath the shed. The water will be pumped on demand to a series of livestock water troughs both within the building and strategically sited around the farm. A maintenance program will be provided by the supplier of the rainwater harvesting system detailing the management and maintenance requirements of the system to ensure that it functions efficiently for an extended period of time.

The average annual rainfall for Usk is 878mm which would theoretically generate 587,000 litres of run-off from the roof. However, due to evaporation not all of this would progress to the gutters and water harvesting system. In practical terms this is likely to result in some 550,000 litres of harvested roof water. Ewes with lambs will consume far more water than those not lactating. Larger breeds and those lambing more frequently or with multiple lambs will drink more water. On average ewes will drink 6.3 litres of water/head/day. This will result in a water requirement for the 350-ewe flock of some 805,000 litres. The water harvesting system will provide approximately 75% of the flock's water requirements, thus saving on mains water costs and reducing the demand on the DCWW water treatment plants."

Irrespective of the above, it is necessary to ensure the proposed development will not exacerbate this existing issue and that surface water resulting from the proposed building will be appropriately managed. As a result the LLFA have requested a pre-commencement planning condition is imposed requiring the surface water management plan to be agreed. Given the existing issues on site, it is necessary and reasonable to impose this condition. Subject to the imposition of the condition the application is considered compliant with LDP Policy SD3.

The SAB team have confirmed that SuDS approval will be required. An informative relating to such matters could be added to any grant of consent.

In light of recent planning guidance issued by NRW, it has been determined that the application site is located within a phosphate sensitive area, being within the catchment of the river Usk, Special Area of Conservation (SAC). Although no formal foul water connection or disposal system is required, it is considered that the development would involve the storage, management and spreading of organic material within the catchment of the river SAC and as a result has the potential to contribute towards the level of phosphates entering the SAC.

As part of the HRA the Council's Ecologist has provided the following information:

The site is within 250m of the River Usk Special Area of Conservation (SAC). There is a watercourse within the proposed development site that feeds into the SAC downstream, which is a pathway for potential adverse impacts on water quality on the SAC.

There is potential that pollution/siltation through site runoff into the on-site watercourse could occur, this stream feeds into the SAC downstream via the Berthin Brook.

Pollution and pH changes caused by run off from the construction of the building and the associated water storage tank (under the building) surface path could create localised unfavourable conditions for migratory and non-migratory fish and Callitricho-Batrachion vegetation

Change in water chemistry (including pollution, nutrient enrichment and pH changes) have been identified as a hazard potential to cause significant impacts on interest features of the SAC. In mitigation, it is recommended that conditions be imposed on any grant of consent requiring the

developer to submit a Construction Environmental Management Plan with specific information submitted with regards to:

- General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use; and,
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;

Following review of the Ecologist's Habitats Regulation Assessments and Appropriate Assessment with regards to specific matters, and the submission of additional information from the Agent which includes a 'Spreading Risk Map', Natural Resources Wales have raised no objection to the application noting: "Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. If manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC."

The applicants have since submitted manure management and foul water information, and while this has now all been approved by NRW, the Council's ecologist has completed a revised HRA based on the latest information and NRW's response is awaited.

Subject to the imposition of a construction management plan condition, an informative regarding manure management, and receiving a positive response in relation to the revised HRA from NRW, the application is considered compliant with LDP policies S13, EP5 and NE1

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

The community council and residents' comments are addressed in turn below.

The building is not reasonably required for agriculture (Community Council)

The applicant has advised the building is required for housing of sheep and occasional use for agricultural storage. The building is agricultural in form and appearance with open side and typically used for agricultural purposes. There is no evidence to suggest the application will not be used for agriculture and the proposal is considered to accord with Policy RE4. A thorough analysis of the why the size and layout of the building is needed has been provided by the planning agent.

The plans do not accurately depict adjacent properties;

The plans provided show the site on an OS map to enable the Local Planning Authority (hereafter referred to as LPA) to accurately ascertain the site location. The purpose of the plan is not to direct the LPA to properties in the vicinity. It is LPA's role to consider properties impacted by the development and the most likely affected properties have been considered in this report.

The proposed building will be within 10m of a watercourse;

The Site is within approximately 10m of a watercourse. The forms are incorrect; however, the LPA is aware and has considered the proposal based on the actual distance of the building from the watercourse.

Adverse noise impact

The impact in terms of noise has been assessed above. It is acknowledged there will be an impact, however it would not be so detrimental to warrant refusal of the application.

The neighbour's comments regarding industrial type noise emanating from the site are noted. The Agent has advised that a former agricultural equipment renovation and sales enterprise has now

been relocated and has departed from the site. Use of the building for such a use would be a breach of planning control and could be the subject to future enforcement action

The proposed development is 6m from the Boundary with Little Henrhiw

The boundary of the application site measured to edge of what appears to be the residential curtilage of Little Henrhiw measures approximately 25m. It is not considered the building will be within 6m of the boundary of Little Henrhiw.

There is currently a dwelling on site.

It is acknowledged that there is a caravan on site. This is currently housed within the part of the open fronted building and is subject of an ongoing planning application for its retention and relocation.

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

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

6.9 Conclusion

It is acknowledged that the building as proposed is relatively large and would provide a further structure on the site of a relatively new agricultural enterprise. However, it is considered that the proposal would provide dedicated animal housing and represents the applicant's commitment and investment in growing the flock and enterprise as a whole. On balance, it is considered that the development would not have a detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site or on the highway safety and free flow of traffic. Although concerns have been raised with regards to the impact of the development on the ecological and biodiversity value of the area, the site does form part of the applicant's active yard and wider enterprise. Subject to the imposition of conditions with regards to the biodiversity compensation, mitigation and net gain it is considered that the application is compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 No development shall begin on site until the LPA has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do not increase flood risk to any property on or off the development site. The agreed surface water drainage system shall be retained in perpetuity.

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

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

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

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

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the River Usk SAC.

5 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate net benefit for biodiversity with enhanced connectivity to brook corridor and the boundaries of the site. Details shall include:

- Detailed scaled plans, showing existing and proposed levels of the proposed structure and relationship with SuDS.
- Soft landscape details to scale shall include: means of protection, planting plan, specifications including cultivation and other operations associated with planting establishment of new trees and any mitigation for loss of grassland.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC.

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure S13, LC5, DES1, and G11 and NE1.

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features, incompliance with LDP policies LC1, LC5, G11, NE1 and DES1.

8 Within 3 months of the commencement of development, details of the grassland management proposals for the 1.1ha field parcel as identified in figure 3 of the letter provided by Ieuan Williams of Reading Agricultural Consultants dated 30th October 2020 shall be submitted to the LPA for approval in writing and thereafter implemented.

The plan shall include:

- a) Description and evaluation of ecological assets to be managed. (grassland)
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management. (e.g. to enhance diversity and improve quality)
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule
- g) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning ecological objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

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

INFORMATIVES

1 The applicant may wish to engage the Monmouthshire Meadows Group to assist them with the restoration of the area identified to provide Biodiversity Net Benefit.

<https://monmouthshiremeadows.org.uk/>

2 Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales.

Application Number: DM/2021/00724

Proposal: Proposed new build detached dwelling to side of No. 2 Ifton Road

Address: Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS

Applicant: Mr Royston Downing

Plans: All Proposed Plans 20-200 - , Site Plan 90-101 - , Block Plan 90-202 - ,

RECOMMENDATION: REFUSE

Case Officer: Mrs Helen Hinton
Date Valid: 27.04.2021

This application is presented to Planning Committee following a resolution to refuse the proposal by Committee in September 2021. This application is now re-presented with reasons for refusal for endorsement by Planning Committee

This application was reported to Planning Committee on the 7th September 2021 with a recommendation from officers to approve the proposed development. Members raised concerns over the proposals and recommended that the application be refused on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties.

Therefore the application is re-presented to Planning Committee seeking the endorsement of the reasons for refusal as set out below.

Reasons for Refusal:

1. The proposal, by virtue of the scale and proportion of the proposed dwelling in relation to the existing plot and adjacent built form, represents an over intensive use of the site and would result in a detrimental overbearing impact and incongruous appearance in the street scene contrary to Policy DES1 criteria a), b) and c), of the Monmouthshire Local Development Plan (LDP) and Supplementary Planning Guidance Infill Development 2019.
2. The proposal, by virtue of the proposed scale of development and the relatively small plot, would result in an unacceptable and adverse impact on existing neighbour amenity contrary to Policies DES1 criterion d) and EP1 of the Monmouthshire LDP.

PREVIOUS REPORT

1.0 Site Description

The application site forms part of the residential curtilage that adjoins the southern (side) elevation of Ty Newydd, 2 Ifton Road, Rogiet. The host property is a detached, two storey dwelling finished externally with rendered elevations with timber/ uPVC panel inserts at first floor level, white uPVC windows and doors and tile clad roof. Off street parking is provided on a driveway adjacent to the western (front) elevation of an extension that adjoins the northern (side) elevation, approved under M07949 in 2003. The boundaries of the site are defined by a combination of block walls and timber fences supplemented by landscaping. The property is level with the dwellings that surround the site.

The host dwelling is positioned within an established residential area on the eastern side of Ifton Road, approximately 30m to the south of its junction with Caldicot Road (B4245). The area demonstrates a variety of property types set in plots of varying size. The site as a whole is located within the development boundary of Rogiet as identified by the proposals map of the Monmouthshire

Local Development Plan and is outside of the defined phosphate sensitive area.

1.1 Proposal Description

The application seeks full planning permission for the development of a detached, two storey, two-bedroom dwelling to the south of Ty Newydd.

The proposed dwelling would measure approximately 5.7m wide, 8m deep with a hipped roof with a maximum height of 7m falling to 5.25m at eaves level. Externally the dwelling would be finished with rendered elevations, a concrete tiled roof, with uPVC and aluminium framed windows and composite doors. A small array of solar panels would be installed on the southern roof plane. Two parking spaces would be provided to the west (front) of the dwelling with a 6m wide, 5m deep area of amenity space provided to the east (rear). A 0.45m-0.63m gap would be maintained between the northern and southern boundaries of the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00724	Proposed new build detached dwelling to side of No. 2 Ifton Road	Pending Determination	
DC/1982/01162	Demolish Garage & Rebuild APP_TYP 01 = Full DEV_TYP 06 = Garage MAP_REF = 346264188019	Approved	27.01.1983
M07949	2 Storey Extension Directly Over Existing Garage.	Approved	23.01.2003
DC/1982/00415	C/U To Hairdressing Salon APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188019	Approved	14.07.1982
DC/1984/00391	C/U Into Two Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 342650188020	Approved	14.06.1984
DC/1974/00423	C/U To 2 Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346270188020	Approved	14.05.1975
DC/1980/00999	C/U For Motor Vehicle Repair APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188027	Refused	12.11.1980

DC/1989/01183	Change Of Use From Hairdressing Salon To Single Bed Studio Flat.	Refused	08.12.1989
DC/1990/00695	Change Of Use From Hairdressing Salon To Video Shop.	Refused	06.08.1990
DC/1990/00052	Non-illuminated Sign.		09.07.1990
DC/1990/00048	To Use Existing Front Room Ground Floor As A Video Shop.	Refused	03.05.1990

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD1 LDP Renewable Energy
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

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

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

Renewable Energy and Energy Efficiency SPG March 2016:
<http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency-supplementary-planning-guidance>

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and

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

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

Technical Advice Notes

Technical Advice Note (TAN) 24- The Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Rogiet Community Council – Raise an objection:

* The plot is very narrow. The proposed dwelling would sit very close to the neighbouring properties, causing problems with maintenance in future.

* The junction of Ifton Road (one way off Caldicot Road) with Caldicot Road has poor visibility and is narrow. A further dwelling within such close proximity, and the additional traffic generated would exacerbate highway safety issues

* Neighbour objections regarding sewer access from the proposed property are noted.

MCC Highways – No objection.

Dwr Cymru/ Welsh Water – SAB consent will be required for the disposal of surface water generated. Conditions recommended with regards to surface water disposal and advisory notes provided with regards to the application process for connecting to the sewer system.

Glamorgan Gwent Archaeological Trust – No archaeological objection to the positive determination of this application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Two letters of representation have been received and are summarised as follows:

Concerns regarding another property using pre -937 sewerage drains. The system has caused us problems in the past. When Ifton Road was built, the sewerage was put in place but since then some of the properties have been converted into flats with more families using outdated pipework. Care must be taken so that the development does not impact on us and our neighbours in the future.

The development will generate increased overlooking, loss of privacy and encroachment on our home and garden because of an increased number of windows in the rear elevation.

An additional dwelling will generate increased noise and disturbance.

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

The plot is located within the Development boundary of Rogiet as identified by the proposals map of the LDP. Policies S1 and H1 presume in favour of new residential development in such Severnside settlement locations, subject to detailed planning considerations. Ifton Road is within walking distance of shops, a primary school, public transport and other local facilities. As such it is considered that this is a sustainable location for a new dwelling and accords with the LDP strategy for new housing development to be concentrated in existing towns. The principle of a new residential dwelling in this location is therefore acceptable in policy terms.

6.2 Sustainability

6.2.1 Good Design, Placemaking and Landscape

The application site forms part of the wider Rogiet settlement with Ifton Road and the wider area containing a variety of property types and designs. It is considered that the proposed dwelling has been designed to be in keeping with the architectural style and character of the surrounding properties. It is of a similar height, scale and layout and would make use of external materials in keeping with the host property and wider area.

Although the provision of the proposed front facing gable and ridge line that runs east to west, rather than being parallel to Ifton Road, would be different to the majority of dwellings in the wider area, front facing gables features are evident in the wider street scene. Being mindful of the scale of development, it is considered that the variation in design would not be so out of keeping to have a significant adverse impact that would warrant refusal of the application.

Although concerns were initially raised about potential overdevelopment of the plot, a concern that has been echoed by the Community Council in relation to the limited maintenance gaps around the property, it is noted that there are a variety of properties, plot sizes and densities evident in the street scene. Although tight, given the urban context it is considered that sufficient areas of amenity space would be retained to the front and rear of the dwelling to help off-set the proposal and the density indicated would not be so detrimental to warrant refusal of the application. Whilst it is acknowledged that the gap between the development and adjacent dwellings is modest, the practical implications of maintaining the proposed dwelling are not a material consideration.

On the basis of the above, it is considered that the design, size, scale, position of the proposed dwelling and the density of development evident in the area makes the development acceptable in design terms and compliant with the requirements of LDP policies S13, S17, EP1 and DES1.

6.2.2 Green Infrastructure and Biodiversity

The site the subject of the application forms part of the residential curtilage of Ty Newydd. Although the works would result in the loss of some areas of ornamental planting, the works would not have a significantly detrimental impact on the green infrastructure value or provision within the area.

Given the existing maintained, managed status of the land, its close positioning to the existing dwelling and the lack of connection to the dwelling, it is considered that the development would not have a detrimental impact on the ecological value of the site or wider area. No ecological surveys have been sought or submitted as part of the application.

In line with Welsh Government guidance, each application for planning permission, irrespective of scale, must now provide ecological mitigation and enhancement. Although these details have not been indicated as part of the application, it is considered that the provision could be adequately secured by condition.

Subject to the provision of such conditions, the application is considered compliant with LDP policies S13, GI1 and NE1.

6.3 Historic Environment

The application site is located within an Archaeologically Sensitive Area of the Levels. Following consultation, Glamorgan Gwent Archaeological Trust (GGAT) have identified that the application site will have already been disturbed from the residential development of the area, associated services, landscaping and subsequent extension to the property. It is also noted that archaeological mitigation was not required for other properties within the immediate area for similar developments, and no archaeological deposits were recovered or noted from these. It is therefore, considered that the ground has already been extensively disturbed from previous development and due to the current information within the Historic Environment Record, it is unlikely that archaeological remains will be encountered during the proposed development. As a result, it is considered unlikely that there is an archaeological restraint to this proposed development and GGAT have no archaeological objection to the positive determination of this application.

Based on the consultation response received, the application is considered compliant with TAN 24.

6.4 Impact on Amenity

As a result of its position within an established residential area, there are existing residential properties on all sides of the site.

Guidance provided within the Infill Supplementary Planning Guidance indicates that a distance of 21m should be maintained between directly facing habitable room windows with a distance of 10m maintained between first floor rear windows and the side boundary with neighbouring properties.

Based on the plans submitted, the development would maintain a minimum distance of 21m with windows in the dwellings to the west (front) of the site. However a distance of 5m would be maintained between the eastern (rear) elevation and the residential curtilage boundary of the property to the rear. This is the same distance maintained by the existing dwelling to the same boundary. The host dwelling already benefits from a number of windows in the eastern (rear) elevation that overlook the neighbour's property. Concerns with regards to increased overlooking and loss of privacy to the dwelling and amenity space have been raised by the neighbour.

The plans submitted detail that the eastern (rear) elevation of the proposed dwelling would contain a set of bi-fold doors at ground floor level and two windows at first floor level, one serving a bathroom (so obscure glazed) and one serving a bedroom. It would be possible for the applicant to provide a 2m fence along the eastern boundary to reduce opportunities for overlooking from the ground floor windows. This would not however prevent an impact from the first floor windows.

Given the limited size of the plot, the provision of a further dwelling on site with windows in the rear elevation, would generate increased overlooking. However, it must be acknowledged that because of the urban context and the density of development, the neighbour's garden and property is already overlooked to some degree by at least two other dwellings. The applicant however, has agreed to make alterations to feature a high level bedroom window with a roof light to avoid any direct overlooking of the neighbour's attractive amenity area.

An amended plan showing this change will be presented to Members at the meeting.

Further concerns have also been raised with regards to increased noise and nuisance generation. Given the use and scale of the development proposed, it is considered that the any noise generated would be domestic in nature and would not be so significant to warrant refusal of the application.

The proposed dwelling would be positioned directly in front of windows and doors serving the single storey dwelling to the south. The existing windows in the northern elevation of the adjacent property are already screened by an overhanging roof and the boundary fence of the application site, which extends up to the eaves of the building. Additional windows and roof lights are provided in other elevations and the southern roof plane of the property. As a result of the existing arrangement, it is considered that the development would not have an increased detrimental impact on the amenity of that dwelling. Following direct neighbour notification, no response has been received from the occupiers of the property.

Based on the above, whilst it is acknowledged that the development would generate increased overlooking it is considered that the additional impact generated would not be so detrimental to warrant refusal of the application or to sustain an appeal. The proposal is therefore considered compliant with LDP policies S13, S17 EP1 and DES1.

6.5 Highways

6.5.1 Sustainable Transport Hierarchy

This plot is located within the established residential area of Rogiet. It is approximately 400 metres from a primary school, community facilities and shops. The wider area benefits from a frequent bus service which links to Chepstow bus and train stations. The site is therefore considered to be a sustainable location for new housing development.

6.5.2 Access / Highway Safety/ Parking

The site layout plan submitted indicates that the dwelling would benefit from a driveway to the west capable of accommodating two off street parking spaces. The existing provision for the original dwelling would remain unaffected. The adopted MCC Parking Guideline requires that one car parking space be provided for each bedroom up to a maximum provision of three spaces. Given the proposal is for a two bed dwelling the proposal accords with the adopted standards.

As part of their response, the Community Council have raised concerns with regards to highway safety noting that Ifton Road is narrow with limited visibility and the site is in close proximity to the junction with Caldicot Road.

At the time of inspection, it was noted that Ifton Road is one way as it passes the site, with traffic entering from Caldicot Road. The provision of a gated driveway serving 3 Ifton Road, opposite the application site prevents on street parking in this location. Whilst it is acknowledged that the highway is narrow, with on street parking to the south reducing visibility, it is considered that the limited width helps reduce traffic speeds past the site.

Following consultation the Council's Highways Engineer has raised no objection to the proposal noting:

"The proposed number of car parking spaces for the new dwelling accords with the Council's supplementary parking guidance, the depth and width of the parking spaces accord with current guidelines.

The highway authority offers no objection to the proposal, the means of access is considered acceptable and the need to reverse in or out of the parking forecourt can be accommodated on the adjacent highway."

Whilst the development of a further dwelling would increase the number of vehicle movements through the junction with Caldicot Road and along Ifton Road, given the scale of the development it

is considered that the number of movements generated and the driveway's position 30m to the south of the junction would not be so detrimental to the highway safety and free flow of traffic on the wider highway network to warrant refusal of the application.

Based on the above, the application is considered to comply with the requirements of LDP policies S16 and MV1 of the LDP.

6.6 Affordable Housing

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution to this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a dwelling of the size indicated would be £3,434.65 that would be secured through a section 106 legal agreement.

The applicant has confirmed that they would be willing to enter into an agreement to provide the sum.

The proposal is therefore considered compliant with LDP Policy S4.

6.7 Drainage

6.7.1 Foul and surface water drainage

The site is located outside of any designated Phosphate Sensitive Area (PSA). As result there is potential for the applicant to connect to the public sewerage system, subject to appropriate consents being granted by Dwr Cymru/Welsh Water.

A member of the public has raised concerns regarding the capacity of the existing sewerage system to accommodate the development and has requested that consideration be given to an alternative form of foul water disposal. As part of their consultation response, Dwr Cymru/ Welsh Water have not identified that there is an issue with regards to capacity in the system. As the area is served by a public sewerage system and is outside of a PSA, Natural Resources Wales will not support the provision of a private treatment plant on site. Such provision is also unlikely to achieve building regulations approval because of its likely proximity to other dwellings and buildings.

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

Although Dwr Cymru/ Welsh Water have requested that a condition be imposed that prevents surface water from the development from entering into the public system, this may be in breach of the SuDS application. As such matters are more appropriately dealt with by other legislation beyond planning control, the condition is not supported in this instance.

On the basis of the above, the application is considered compliant with LDP policies S12, S13, SD4 and EP5.

6.8 Planning Obligations

The provision of a commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

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

Following consultation, Rogiet Community Council have raised an objection to the application based on overdevelopment, highway safety and concerns with regards to capacity within the sewerage system to accommodate the development.

Following direct neighbour notification and the erection of a site notice 2 representations have been received which raise concerns with regards to the capacity of the sewerage system and impacts of the development on the amenity arising from increased overlooking and noise generation/disturbance.

These matters have been addressed in the preceding sections.

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

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

6.11 Conclusion

It is considered that the proposed dwelling is of a form, scale and design appropriate for the site and the development would not have an adverse impact on the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic. Subject to the imposition of conditions to secure details with regards to ecological mitigation, the application is considered compliant with the policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 agreement to provide a commuted sum to be used for the development of affordable housing within the County.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

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

Conditions or Reasons for Refusal:

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

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

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

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

3 Prior to the commencement of development details of biodiversity and ecological mitigation and enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site in compliance with LDP policy NE1.

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

REASON: In the interests of the character and appearance of the area and residential amenity, in compliance with LDP policies DES1 and EP1.

5 Before the approved development is first occupied the access and parking areas shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

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

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

INFORMATIVES

1 The applicant will need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Application Number: DM/2021/01000

Proposal: Discharge of condition 4, 5, 9, 11, 12, 14 and 15 relating to application DM/2020/00234.

Address: Pathways, Vinegar Hill, Undy

Applicant: Mr Peter Whitfield

Plans: Site Plan 020 02 - Site Plan Tree Protection, Green Infrastructure Appraisal 021 02 - GI Plan, Site Plan 022 02 - Site Plan Suds, GI Masterplan GI Management Plan - , Location Plan 014 01 - , All Existing Plans 06602 - Existing House, All Proposed Plans 012 03 - Proposed Plans and Elevs, Site Plan 015 02 - Proposed Site Plan, Site Plan 016 02 - Site Plan Highways, Other 019 02 - Contextual Plan, Site Plan 017 02 - Site Plan Topography,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 02.06.2021

This application is presented to Planning Committee due to the number of objections received

1.0 APPLICATION DETAILS

1.1 Site Description

Pathways is a two storey, detached dwelling which is located on a large plot, 0.3 hectares, within the Magor and Undy development boundary as identified in the LDP. The existing property is located on the western side of the plot and is accessed by a long driveway from Vinegar Hill. The land slopes downwards steeply from north to south. The site is set between neighbouring dwellings. Adjoining the southern boundary is an area of amenity open space. In September 2020 Full Planning Permission was granted for two detached dwellings on the site under application ref. DM/2020/00234, subject to a Section 106 agreement for a financial contribution towards affordable housing as well as 16 technical conditions.

1.2 Value Added

Revised ecological mitigation.

1.3 Proposal Description

The current application seeks the discharge of the following conditions:

4. The existing access shall be improved in accordance with the details to be submitted to and approved in writing by the Local Planning Authority before any development commences and shall be completed in accordance with the approved details before the development is brought into beneficial use.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Vinegar Hill. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances,

measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP. NOTE - it is recommended that the size and weight of all delivery vehicles shall be considered so as to minimise damage, congestion and disruption to Vinegar Hill and the adjoining highway network.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

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

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

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

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be privately managed and those that are to be part of strategic landscaping.
 - a. Trees and Hedgerows
 - b. Wildflower Grassland amenity areas
 - c. Green corridors and boundaries
- b) Opportunities for enhancement to be incorporated
 - a. Management of SUDS for botanical species diversity
 - b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and provide habitat for protected species including reptiles
 - c. Maintain habitat connectivity through and or around the perimeter of the site for species (hedgehogs, bats, reptiles)
- c) Trends and constraints on site that might influence management of above features (management of invasive species)
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

12 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels. Proposed and existing utilities/services above and below ground.

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

Hard surfacing materials.

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

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

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

14 Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

15 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/00234	Erection of 2 x 4 - Bed Detached Residential Dwellings.	Approved	28.09.2020
DM/2020/01882	Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane.	Withdrawn	29.01.2021
DM/2021/00164	Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane.	Refused	21.05.2021

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13

SD4

Development Management Policies

MV1

DES1

GI1

NE1

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

Magor with Undy Community Council – recommends refusal.

The Community Council raise concerns over what they see as inconsistency in comments from Highways regarding applications in the vicinity of the site, noting specific problems with access and egress from the site. In addition reference is made to the access and the Traffic Management Plan as these do not show how surface water will be dealt with. In addition the Community Council do not believe all conditions have been met in full.

MCC GI and Landscape Officer - No objection.
Condition 11

Following the submission of the GI Management Plan (GI MP) and the opportunity for further revisions the proposed plan I have reviewed the recent application and the submitted relevant documentation and response comments dated 15.05.21 / 20.07.21 / 02.08.21 / 06.09.21 and the amended GI Management Plan WWE19254 FINAL 24.08.21

In relation to condition 11 the applicant has provided GI MP ref WWE19254 FINAL 24.08.21 which has been updated to include the mitigation areas as per 3.9 areas 1-4 and SE boundary hedge.

In relation to condition 15 the applicant has provided plan ref Pathways 012_06 26.08.21. The GI MP has also been updated to reflect the amendments as requested in previous comments dated 06.09.21

Highway Authority - No objection.

Following receipt of amended details submitted in support of the application, Drawing No. 9994-GRY-01-00-DR-C PROPOSED ACCESS IMPROVEMENT PLAN, namely the proposed means of

preventing surface water discharging onto the public highway and vice versa are acceptable and the highway offer no objection to the discharge of Condition 4.

The Construction Traffic Management Plan submitted is acceptable and addresses the main priorities with particular regard to the provision of on-site parking for contractors, the delivery and unloading of materials and the route and timing of delivery vehicles to the site. The highway authority offers no objection to the discharge of condition 5.

MCC Ecology - No Objection.

Following the submission of the GI MP and the opportunity for further revisions the proposed plan. In relation to condition 9 the updated plans entitled "House 1 & 2 plans dwg ref. Pathways012_06 dated 30.07.21 produced by Icon Architectural Planning & Design" and "GI plan dwg. ref Pathways021_06 dated 26.08.21 produced by Icon Architectural Planning & Design" have addressed our previous concerns and should be cited on the discharge of this condition. The updated GI MP Report reference: WWE19254 FINAL, dated 24/08/21 provided 14.09.21 by Wildwood Ecology has addressed our previous concerns about the long term retention of the biodiversity enhancement measures and is sufficient to discharge this condition.

In relation to condition 11, we welcome the updated aims provided in updated GI MP Report reference: WWE19254 FINAL, dated 24/08/21 provided 14.09.21 by Wildwood Ecology, that address our previous concerns on this matter. The revised GI plan reference "GI plan dwg. ref Pathways021_06 dated 26.08.21 produced by Icon Architectural Planning & Design" demonstrates that the assets identified in the GI MP condition will be deliverable on site and that enhancements for biodiversity will be provided as part of the scheme. The mitigation areas identified are also described within the updated GI MP and it is considered that these areas in combination with appropriate management of the boundaries, and the northern area of the site, for biodiversity is acceptable to discharge the above condition.

5.2 Neighbour Notification

Letters of objection have been received from six addresses. Many of the comments made refer to the principle of development and are not relevant to the current application which seeks to discharge technical planning conditions.

For clarity these objections can be read in full on the Councils website but have been summarised below.

The operation of HGV's and parking on site. The CTMP acknowledges that HGV's will not be able to access site and proposes using farm equipment to offload materials, however there are conflicting statements in the CTMP and clarification is sought as to where lorries will park for loading and unloading. Concerns are raised in terms of the disruption, potential impact of manoeuvring lorries, traffic, noise and dust that this will cause. Particular reference is made to immediate neighbours, properties of Firbank, Gwyn Royson and all along Vinegar Hill. In addition there will be increased potential conflict with refuse collection.

The CTMP also states that construction traffic will be instructed to approach the site from the north (para 10.0). However, there is an undecided planning application for a large development at the top of Vinegar Hill (DM/2019/01937) which proposes closing off this access to Vinegar Hill.

Traffic and deliveries may cause danger, disturbance and conflict for pedestrians, in particular school children.

That the access is very difficult for emergency vehicles to gain safe access to the site.

That there is a huge loss of GI and that the GI mitigation as proposed is not considered sufficient and cannot be accommodated in a small area (particular reference is made to the planting of fruit trees). There is a conflict with the proposed SuDS plan showing swales in the area of proposed planting. Consideration should be given to planting in the south east area of the site.

Concerns are raised over the inclusion of the area to the south east of the site, as this area formed part of the original application and is now being utilised for other purposes which should be addressed via the conditions imposed. The GI MP does not show any future use of this portion of the site, including ownership and maintenance.

Requests are made for an on-site amenity area to support tree planting, for a large area of open space and information as to how they will be maintained, owned and managed.

Site safety issue - the Utilities Plan is deficient in that it does not show the location of the gas pipe which runs under the Pathways land to Walnut House.

Details of earthworks, showing levels and contours should be provided.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Lisa Dymock raised concerns over the impact of traffic and deliveries into and out of the site in order to protect the residents' amenity and to ensure highway safety. A site visit was requested to address abnormal loads.

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

The application is concerned with the discharge of conditions relating to Highway Safety, Biodiversity and Green Infrastructure. The Council's qualified technical experts have considered the details of the submitted material and after some amendments, have offered no objection in respect of the issues of Highway Safety, Green Infrastructure or ecological compensation and enhancements.

6.1 Highway Safety

Condition 4 requires improvements to the existing access into the site. The following improvements have been approved by the Council's Highways Officer:

- Rationalisation of the existing means of access to Pathways and neighbouring properties Gwyn Royson and Firbanks
- The width of the access shall not be less than 4.1m for a distance of 10m minimum along the access measured from the adjoining edge of carriageway
- The access shall be hard surfaced for a minimum distance of 15 metres from the carriageway edge. This will be carried out once all the site services have been installed.
- No surface water from the access shall be permitted to discharge onto the public highway and vice versa.
- A turning area will be provided within the site to enable all delivery, construction and contractors vehicles to turn within the curtilage of the site as well as providing for suitable levels of on-site parking for site workers prior to any construction work commencing. No parking will be allowed for site operatives on Vinegar Hill

Further clarity was sought in relation to surface water drainage and submitted to the Highways Officer who is now satisfied that the provision is acceptable and offers no objection to the discharge of condition 4 in their response of 15.07.21.

The Highway Authority have reviewed the details and found them to be sufficient to favourably discharge condition no.4.

Construction Traffic Management Plan Condition 5

The key details of the CTMP are as follows,
Construction work will be restricted to the hours: -
Monday - Friday 8.00 a.m. to 6.00 p.m.
Saturday 8.00 a.m. to 1.00 p.m.

Residents will be informed prior to commencement of the works on site and will also be made aware of any activities that may be disruptive but cannot be avoided.

An unloading area will be provided on site to enable all delivery and construction vehicles to turn and leave travelling in a forward direction

The constraints of the existing access mean that all suppliers will be advised in writing that only light vehicles should be used for delivery and all traffic/plant will be instructed to approach the site from the north via Dancing Hill and Grange Road, not from the south via B4245 and Vinegar Hill. It is anticipated that much of the spoil will be reused on the existing landscape given the sloping nature of the site. If spoil is required to be removed or aggregate is required to be brought into the site it will be on farm equipment - tractor and trailer - to transport the spoil.

All deliveries to the site will travel along Dancing Hill and then south down Vinegar Hill.

The Highway Authority have reviewed the CTMP and found it to be sufficient to favourably discharge condition no.5.

Biodiversity Enhancements Condition 9

Full consideration has been given to the provision of appropriate mitigation and enhancements on the site. The drawings and the GI MP have been amended a number of times to ensure that the provision identified as part of this condition is suitable. The mitigation has changed from the initial proposals of a wider area of wildflower meadow originally proposed to the area of grassland to the south east corner of the site. However, alternative proposals for mitigation have been put forward consisting of the provision of smaller pollinator areas spread across the site and the inclusion of a number of additional trees planted across the southern and western boundaries. As discussed at great length, the ecological provision can be provided in a number of different ways; it is not a case of only one form of mitigation being acceptable. As proposed, the mitigation is considered appropriate to offset the harm caused by the loss of habitats and would still provide an enhancement to the overall ecological value of the site. The information provided is now considered to be acceptable by both the Council's Ecologist and the Green Infrastructure Officer.

In addition, elevational drawings of both houses have been submitted showing integrated bat and bird boxes.

The information provided is considered suitable to favourably discharge condition 9.

Green Infrastructure Management Plan (GI MP) Condition 11

As per condition 9 above the details of the GI MP have been discussed at length and the GI MP and plans amended to reflect these changes. The original GI MP proposed appropriate mitigation to the southern area of grassland. However, as discussed above alternative and equally suitable mitigation has been provided across the site, focussed around the two approved dwellings and the southern and western boundaries. It is considered that the mitigation can be provided in a number of different ways, as per condition 9. The mitigation originally proposed and the alternative mitigation now submitted are both considered acceptable.

It is important to note that surface water drainage details have been submitted to the Authority via a separate SuDS application. The SuDS application is a separate legal permission and is assessed separately from this application to discharge the conditions attached to DM/2020/00234.

The information provided has been considered suitable to favourably discharge condition 11.

Hard and Soft Landscaping Condition 12

The information provided proposes a number of plants and additional trees which are welcomed, as well as provision of enhancement tree planting and protection and enhancement of the hedgerow/understory boundaries. The landscaping proposed is considered appropriate to attract pollinators to the site and so is considered acceptable. The details of this condition overlap with the details of conditions 9 and 11.

The information provided has been considered suitable to favourably discharge condition 12.

Details of the Earthworks. Condition 14

The applicant has provided plan ref 042_01 which describes the bund location, height and profiles in more detail including proximity to the boundary hedge.

MCC GI Officers are satisfied that sufficient information has been submitted to favourably discharge condition 14.

Schedule of Landscape Maintenance Condition 15

The amended plans and GI MP have been updated and clarified ref 021_06 26.08.2021. The GI MP ref WWE19254 FINAL dated 24.08.21 has been updated to reflect the amendments as requested in the previous comments.

The Council's Green Infrastructure Officer is satisfied that there is sufficient information to favourably discharge this condition.

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

For clarity these have been addressed in turn.

Issues were raised in relation to the CTMP, with particular reference to HGV's, deliveries and general traffic-based disruption. It is important to note the short term nature of the deliveries and HGV movements; having said that accommodating this provision during construction is important. There will be an element of disruption/noise associated with the construction of two dwellings and the condition aims to minimise this but it will not be totally eliminated. The Highways Officer has fully considered the proposals on the site and considers the details supplied are sufficient to ensure the safety of all vehicles and pedestrians during construction, ensuring appropriate roads are used to approach and leave site, that appropriate parking and turning provision is made on site and that neighbours are kept informed.

Reference is made to the undecided application for a large housing development on Vinegar Hill, but at present this remains undetermined and does not form part of the consideration of this application.

Reference is made to emergency vehicles being unable to access the site; this has been checked by the Fire Safety Officer who has confirmed that this is not the case - emergency vehicles can access the site when necessary.

Reference is made to unsuitable GI/ ecological mitigation and that the area to the south east should be included as part of this mitigation. As addressed above there are a number of suitable ways to provide appropriate mitigation for the site and that the proposed scheme is considered to provide the necessary mitigation and enhancement without the inclusion of this area for dedicated planting. In addition the SuDS application may differ from this application to discharge conditions, but as these are two separate applications they have been considered and assessed separately.

Requests have been made for the provision of public open space and tree planting. Through the assessment of the planning application there is no requirement for a dedicated area of public open/amenity space. Therefore this is not included in this application to discharge conditions.

Reference is made to a nearby gas pipeline, but it should be noted that planning permission has been granted for the two dwellings. This application to discharge conditions attached to DM/2020/00234 does not affect the any separate legislative responsibilities of the developer to protect the pipeline.

Requests have been made for details of earthworks; condition 14 is considered to provide a sufficient level of information. Further site sections can be found under the original application DM/2020/00234.

7.0 RECOMMENDATION: APPROVE

Approve the discharge of planning conditions 4, 5, 9, 11, 12, 14 and 15.

This page is intentionally left blank

MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

SUBJECT: Confirmation Report:

Tree Preservation Order (TPO) MCC289 (2021) – Land at Well Farm Grosmont.

DEPARTMENT: Development Management - Heritage.

MEETING: Planning Committee

Date to be considered: 5th October 2021

DIVISION/WARDS AFFECTED: Grosmont

1. **PURPOSE**

To consider the confirmation with modification of Provisional Tree Preservation Order number **MCC289 (2021) Land at Well Farm Grosmont.**

2. **RECOMMENDATION**

That the County Council confirms with modification (by omitting T1 Oak) Provisional Tree Preservation Order No. MCC289 (2021) – Land at Well Farm Grosmont

3. **REASONS**

- a) The trees to which this Tree Preservation Order (TPO) relates are growing on land in the ownership of Mr Andrew Havard a local farmer in the Grosmont area. An Oak tree which is the catalyst for the issuing of the TPO is situated within the boundary hedge between farmland at Well Farm and the domestic garden of Graig Cottage, Grosmont NP7 8ET.
- b) During the second week of March 2021 I was contacted by a member of the Grosmont Community Council to say that persons were in the process of felling the Oak tree. They were advised by community councillors and local residents to stop the work as it was perceived that the tree was situated within the Grosmont Conservation Area and therefore protected. However, it was subsequently confirmed that the tree is outside the conservation area therefore no offence had taken place
- c) It is the statutory duty of a local planning authority (LPA) to protect trees. In my capacity as Tree Officer for the LPA, I visited the site on 31st March 2021 at the request of Grosmont Community Council to examine the remains of the tree. The crown of the tree had been completely removed leaving only the bole (trunk) and the stubs of the two leading stems remaining (**see Item 1**). Such was the size of the bole it was my opinion that the tree was the veteran stage of its life and consequently extremely valuable culturally and ecologically. It is not unusual for an Oak tree of this size to regenerate after such heavy pruning therefore, before the landowner removed the rest of the tree, I issued the TPO in the hope that it would survive and eventually regrow thereby continuing to make a contribution to both the visual amenity and ecology of the area. Unfortunately, a follow up inspection on Tuesday 10th August 2021, by which time I would have expected some regrowth, the tree had not recovered and should therefore be removed from the TPO.

d) At the initial site visit, four other mature hedgerow oak trees were identified as being important components of the landscape, and, given that at the time I had no understanding of the reasoning behind the destruction of T1, I felt it expedient to make a TPO. The landowner was formally identified via a land registry search and the TPO was prepared and served on 7th April 2021. The TPO is in Provisional form and valid for six months only after which time it must either be confirmed i.e. made permanent or allowed to lapse.

The protected trees are shown as T1 to T5 (**see Item 4**)

e) One letter of objection was received (**see Item 2**). The objector, Mr Havard states the reasons for his action were over health and safety concerns. During a subsequent telephone conversation with Mr Havard he assured me that his actions were a one-off and that he had no intentions to remove any other trees, which I accepted. At this point I had intended to allow the TPO to lapse after the six month period.

f) Unknown to me at the time was that part of this land is an allocated housing site in the Adopted Local Development Plan (LDP) (**see Item 3**). The allocated land is shown hatched in diagonal lines. This changes the picture completely in that it is possible that in the future more of this land may be included in the LDP. The presence of a TPO will afford extra protection and safeguards for these trees in the event they are put at risk from future development.

5. **RELEVANT POLICIES**

The protection of trees at this site is in accordance with **Strategic Policy S13 – Landscape, Green Infrastructure and the Natural Environment** and *Monmouthshire County Council's adopted Climate Emergency*.

6. **CONSULTEES**

Cllr. David Jones

7. **BACKGROUND PAPERS**

Item 1 – Photograph of the remains of the tree.

Item 2 – Letter of objection

Item 3 – Aerial photograph of allocated site

Item 4 – Aerial photograph of protected Oaks T1 to T5

- **Author** Jim Keech, Tree Officer.
- **Contact details** Tel: 01633 644962
- **E-mail** jimkeech@monmouthshire.gov.uk
- **Date** 15th September 2021

:



This page is intentionally left blank

Monmouth County Council
County Hall, The Rhadyr
Usk, Monmouthshire
NP15 1GA FAO Mr Keech

Tree Preservation order number MCC289

Date 12/04/2021

Letter of Objection From Mr A C Havard

Dear Mr Keech

I am writing to object to the tree preservation order number MCC289 placed on 4 trees and a tree stump at well farm Grosmont with effect from 7th April 2021.

The Well farm has been in the family for the last 60 years. Apart from trimming lower branches off trees to allow machinery to pass underneath without damage and cutting up fallen trees, no other trees have been felled in the last 30 years. We have a chestnut plantation at Well farm planted 40 years ago and we have planted 5 acres of trees in the last 20 years at Brooklands farm where I live.

We do not cut down trees without reason.

T1 was cut down legally and with good reason, photo's attached on email.

I own T1 which is now a stump on the preservation order that over hung Greig View lawn, which I also own but rent out. For the safety of my tenant, I decided to make sure the tree was safe as it was overhanging an area of their garden. There are also power lines across the gardens making the risk of injury higher. As a farmer working in a very dangerous industry we have to make health and safety decisions every day. The tree was a Y shape with a short trunk and having seen trees of the same shape split and fall on Well farm previously, I decided to make the tree safe. Whilst removing branches, a large hole was confirmed in the bottom end of the limb overhanging the grass. I intended to remove the stump at a later date.

Whilst clearing the branches a local councillor (name can be given) arrived on site, with very inaccurate information, no face mask or hard hat and insisted I stop work immediately as I had cut down a tree in a conservation area with a TPO on it.

A neighbour had reported me to him.

By checking on Google for Grosmont conservation area, a map is shown of the area and clearly the tree is outside the area. The councillor later text me saying I may be in breach by not having a license to fell the branches and I should not do any more work on the stump. He said he would keep me informed.

I believe this was a tactic to stop work while he the councillor and his friend, the neighbour could organise a preservation order for the stump which clearly has a hole in it.

As for trees T2,3,4 and 5 I have no intention of cutting them down, we may need to trim lower branches in the future for machinery but I do not want to have to apply to the Council to do so as we have managed the soil, hedges and trees at Well farm responsibly for the last 60 years.

All trees have a visual amenity to any landscape, but they have to be managed.

I was not consulted and I believe a Council representative has been walking across private property as they asked the tenant questions, they could of contacted me.

You cannot see the state of the stump from the floor as I had to use a ladder to climb up to take the pictures.

To sum up, I believe T1 will die and be an eyesore and should be removed as intended and T2,3,4 and 5 do not need a preservation order just because I have been accused of a cutting down one tree for no reason.

I would appreciate a receipt to this letter please.

Regards

Mr Andrew Havard

A blacked-out redaction covering the signature of Mr Andrew Havard.

Owner of Well Farm and Greig view Bungalow.

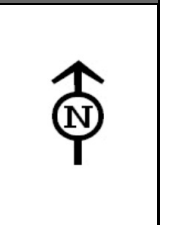


Print title
 Print description
 Monmouthshire County Council, County Hall, The Rhadyr, Usk. NP15 1GA

Scale : 1:2835

Printed : 15/9/2021 at 11:15 AM

Grid Ref: 340206,224570



This page is intentionally left blank



This page is intentionally left blank

Local Ref	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
DM/2020/01035	Ravensnest Fishery Ravensnest Wood Road Tintern Chepstow Monmouthshire NP16 6TP	Siting of a log cabin ancillary to the use of Ravensnest Fishery, which meets the legal definition of a caravan under the Caravans Act 1968.	Appeal against Refusal	Written Representations	17.06.2021
DM/2020/01328	73 Park Road Caldicot Monmouthshire NP26 4EL	Construction of 2 semi-detached 2 bedroom houses in the garden of no. 73 Park Road, Caldicot	Appeal against Refusal	Written Representations	05.07.2021
E20/077	Little Hervells Court Chepstow Monmouthshire NP16 5FF	Unauthorised repointing of the boundary wall (breach of condition)	Appeal against LB Enforcement Notice	Written Representations	16.08.2021
DM/2021/00822	Adj Manor Garage Rogiet Road Rogiet	Change of use of area of land to industrial use.	Appeal against Refusal	Written Representations	13.09.2021
DM/2020/00311	Land Opposite Old Park Cottage Gethley Road Parkhouse Trellech Monmouth Monmouthshire NP25 4PU	Amenity use for leisure and recreational purposes.	Non-determination in appropriate period	Written Representations	16.09.2021
DM/2021/01117	The Rest 24 St George Road Chepstow Monmouthshire NP16 5LA	Lob and trim back seedlings and trees.	Appeal against Refusal (Part Refusal)	N/A	22.09.2021

