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Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 29 Awst 2022

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 6ed Medi, 2022, 2.00 pm
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

AGENDA

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Paul Matthews

Prif Weithredwr

CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

Jill Bond
Fay Bromfield
Emma Bryn
Jan Butler
Ben Callard
John Crook
Tony Easson
Steven Garratt
Meirion Howells
Su McConnel
Jayne McKenna
Phil Murphy
Maureen Powell
Sue Riley
Dale Rooke
Ann Webb

Gwybodaeth Gyhoeddus

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

Mynediad i gopiâu papur o agendâu ac adroddiadau

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

Edrych ar y cyfarfod ar-lein

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i www.monmouthshire.gov.uk 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.
- **Caredigrwydd** – Byddwn yn dangos caredigrwydd i bawb yr ydym yn gweithio gyda nhw, gan roi pwysigrwydd perthnasoedd a'r cysylltiadau sydd gennym â'n gilydd wrth wraidd pob rhyngweithio.

Diben

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

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

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

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

Gwneud penderfyniadau

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

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

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

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

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

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

Prif gyd-destun polisi

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

Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd

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

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

Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

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

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

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

Canllawiau Cynllunio Atodol (SPG):

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

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

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote
attendance on Tuesday, 2nd August, 2022 at 2.00 pm**

PRESENT: County Councillor Phil Murphy (Chairman)
County Councillor Dale Rooke (Vice Chairman)

County Councillors: Jill Bond, Fay Bromfield, Jan Butler, Ben Callard,
John Crook, Tony Easson, Meirion Howells, Su McConnel,
Jayne McKenna, Maureen Powell, Sue Riley and Ann Webb

County Councillor Louise Brown attended the meeting by invitation of
the Chair.

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Joanne Chase	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors Emma Bryn and Steven Garratt.

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 5th July 2022 were confirmed and signed by the Chair.

3. DM/2022/00518 - A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling Church Cottage, Bayfield Road, Mounton, Monmouthshire, NP16 6AF and DC/2021/00791 - A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling (Conservation Area Consent) Church Cottage, Bayfield Road, Mouton

We considered the reports of the applications and late correspondence received which were recommended for approval subject to the conditions outlined in the reports.

The local Member for Shirenewton, attending the meeting by invitation of the Chair, outlined the following information:

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- The landscape contrast between the two buildings, with its impact on the setting next to Mounon Church, is illustrated by comparing the planned drawing of the existing and the proposed northwest elevation in context.
- The use of stone at the bottom of the property reflects both the property to the right coming from the roundabout to the church and the church itself.
- The use of black slate is in sharp contrast to its local setting and may appear to have an institutional like appearance out of keeping with its local context.
- The black timber colour will not fade to silver birch.
- Whilst the site inspection was held during a warm summer day, the area gets very dark and dull for much of the winter months.
- The current cottage has been described as unobtrusive, which is side on to the road but the proposed building will be more prominent as it faces the road.
- According to Mathern Community Council's comments, although recognising the flooding issues posed at this site and the architectural merits of the proposed dwelling, it was felt that it was the wrong building for this location.
- The current cottage sits subserviently in its conservation area of Mounon Church at present but the proposed building does not. The proposal does not blend in, compliment or reflect the local vernacular, and its proportions and lines are at odds with the other dwellings in the hamlet of Mounon.
- The materials proposed are at odds to those elsewhere within the conservation area in the hamlet.
- For the reasons mentioned, Mathern Community Council would recommend refusal of the application.
- In terms of Planning Policies DES1, section C refers to the sense of place and section G refers to the need to use the vernacular tradition where appropriate.
- In terms of the area of natural beauty, Policy LC4 refers to the degree to which the design quality and use of appropriate materials harmonise with the surrounding landscape and built heritage. Policy LC5 mentions the importance of traditional features and patterns. TAN 12 refers to good quality design as applied to the local context. It also mentions local distinctiveness.
- On the site visit along St. Lawrence Road, prior to Mounon, there is a loss of character to the area due to the variety of house designs. Conservation is about preserving or enhancing the character or appearance of the area.
- The existing building has been described in the heritage statement as unobtrusive but this building is in stark contrast to that and there are no other

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properties with a similar appearance or using black exterior timber cladding. It will be a prominent change in the area and may lose its character. The importance of the church in this small hamlet may be compromised.

- There is nothing wrong with the design, but it is for the Planning Committee to consider whether the style of building and its use of exterior black timber cladding materials is appropriate and whether its non-traditional box like shape and design is out of character within its proposed conservation and area of natural beauty setting and whether or not it is appropriate for a more modern housing estate.

Mr. M. Hall, the applicant's agent, had prepared an audio recording which was presented to Planning Committee and the following information was noted:

'Proposing the replacement of a cottage in an idyllic hamlet is clearly not a matter to be taken lightly, but reflects the reality confronting the applicants who have endured the traumatic experience of being flooded out of their home on several occasions over the last decade. This situation is not merely heart-breaking for the household, it is potentially ruinous as Mounton Brook floods more frequently and severely, making Church Cottage practically uninsurable.

Any proposal must therefore deal with the simultaneous challenges of substantially raising the ground floor level by over half a storey to prevent the future risk of flooding, while not overwhelming the petite scale of the surroundings, particularly the diminutive church next door. The existing dwelling may be considered broadly traditional in style, but in reality presents quite a hostile face to the lane which it sits directly alongside.

The scheme being considered by the Planning Committee today has been developed with considerable care as a direct response to the particular sensitivity of its setting. The application documents explain in detail how key questions of scale, materials and design have been addressed with the precise intention of respecting the intimate valley setting of Mounton.

Members of the Committee are encouraged to study the Design & Access Statement which sets out the thinking behind the design. This document succinctly lays out a series of explanatory points that are supported by 90 illustrations which should leave little room for doubt concerning the multi-layered thought that has gone into the proposal.

The scheme is generously set back from the lane and church (far more so than the existing dwelling) and uses this breathing space to quietly place the minimalist pavilion-like building into the notable early 20th Century Japanese-inspired garden which surrounds it.

Clearly, just because something has been designed with a high degree of care, it should not automatically be granted approval. However, it may lead the Committee to question the dismissive opinions put forward by the objecting party and to give appropriate scrutiny to viewpoints which seem largely subjective. It is unclear how the proposal's use of local stone and naturally treated timber can be fairly described as "at odds to

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materials used elsewhere within the conservation area and hamlet". Few would judge the existing dwelling's pink cement render, concrete roof tiles and PVC windows as reinforcing the vernacular identity of Mounton.

The oppositional commentary in this instance would seem to be an outlier, with six community households from Mounton writing in support of the application versus a single objection. Supporters include the owners of Mounton House, the listed Arts & Crafts building with shared design connections to the application site.

CADW has no objection to the scheme, noting "The design of the proposed dwelling gives due consideration to the physical and visual relationship between the new dwelling and its sensitive setting in Tipping's water garden. By employing a contemporary flat roof design, it also ensures that the roofline of the new dwelling is below the ridge height of the adjacent church of St Andoenus."

Monmouthshire's Conservation Officer does not object, commenting that "The design of the proposed dwelling is very modern, in contrast to the existing multi-period dwelling but has been carefully designed and is located set back from the road within the plot. Whilst the proposed dwelling is different to the existing, the size, scale and mass is deemed appropriate for its setting".

In summary, on behalf of the applicants we encourage the Planning Committee to follow the Council's own Planning Officer's recommendation and grant approval for the application.'

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

- The design of the proposed dwelling was a good modern design.
- Late correspondence outlines the design and access statement which explains how the timber would be treated via a charring process. The charring process will provide a black / dark grey appearance to the timber with the tones of the wood still being visible.
- The current house has flooded many times over the years and is now uninhabitable. The existing house has lost its character over a period of many years. It was considered that there was no reason to refuse the application on planning grounds.
- We are in a period of change due to climate change and therefore must embrace and consider proposals such as this application.
- The ground floor plan will be raised 1.4m higher than the existing cottage which complies with the 1 – 1000 year flood risk levels, plus climate change. The garage and driveway would set up 0.8m higher than the existing. The parking area is raised 0.23m above the 1 – 1000 year risk to allow for safe access.

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The local Member summed up as follows:

- Condition 4 in the report and the subsequent report on conservation states that it is necessary to submit samples to the Planning Authority.
- Late correspondence states that the colour will not fade to silver birch. Therefore, it was considered that the colour needed to last in perpetuity. It was suggested that the samples be presented to the Delegation Panel for agreement on colour.
- The dark timber colour was a concern for the local Member.

Following discussion, it was considered that a condition could be added to ensure the sample of external timber cladding is referred to the Delegation Panel for scrutiny before the samples condition is discharged and also that external materials on each application should be retained on the building in perpetuity. Following debate, the Committee expressed a preference for a darker colour to the cladding.

It was proposed by County Councillor M. Powell and seconded by County Councillor B. Callard that applications DM/2022/00518 and DC/2021/00791 be approved subject to the conditions outlined in the reports and that the external finishes sample condition be amended for both applications, to ensure:

- That external materials on each application should be retained on the building in perpetuity.

N.B. The Committee expressed a preference for a darker colour to the cladding.

- To ensure the sample of external timber cladding is referred to the Delegation Panel for scrutiny before the samples condition for each application is discharged.

The Planning Committee voted on application DC/2021/00791 first, as follows:

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

In favour of the proposal	-	13
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

The Planning Committee then voted on application DM/2022/00518, as follows:

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

In favour of the proposal	-	14
Against the proposal	-	0
Abstentions	-	0

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 2nd August, 2022 at 2.00 pm

The proposition was carried.

We resolved that applications DM/2022/00518 and DC/2021/00791 be approved subject to the conditions outlined in the reports and that the external finishes sample condition be amended for both applications, to ensure:

- That external materials on each application should be retained on the building in perpetuity.

N.B. The Committee expressed a preference for a darker colour to the cladding.

- To ensure the sample of external timber cladding is referred to the Delegation Panel for scrutiny before the samples condition for each application is discharged.

4. DM/2022/00699 - To modify condition number 6 of planning permission DC/2007/00551 1 Conygree, Pill Row, Caldicot, NP26 5JD

We considered the report of the application and late correspondence which was recommended for approval.

In noting the detail of the application, the following information was identified:

- There is enough room available for two vehicles to park outside the property.
- An area had been identified as being turned into a decorative area which could be turned back into a parking space.
- There is enough space within the compound for visitor parking.
- There is unrestrictive roadside parking outside compound.
- The applicant is now the sole owner of the land which is now private property.
- It was considered that there were no reasons to refuse the application on Planning grounds.

It was proposed by County Councillor B. Callard and seconded by County Councillor J. McKenna that application DM/2022/00699 be approved as per the officer recommendation within the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 2nd August, 2022 at 2.00 pm

The proposition was carried.

We resolved that application DM/2022/00699 be approved as per the officer recommendation within the report.

5. DM/2021/00037 - Erection of one detached, two-storey house in part of garden with associated access and parking (Outline planning permission). Land to west of Stray Leaves, School Lane, The Narth, Monmouth

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

The application was re-presented to Planning Committee on a point of clarification. At the Planning Committee meeting held on 8th June 2022, Members debated the proposal and resolved to approve the application subject to the conditions outlined in the report and subject to a Section 106 legal agreement and that Condition 9 be amended as follows:

- The upper and lower scale parameters for the height of the dwelling be 8m upper and 4m lower.

At the meeting it had been noted that there was some lack of clarity in the debate about the distinction between the access and the driveway / parking area and what was being considered at the outline stage. Therefore, in order to clarify this matter, the application was re-presented to Planning Committee.

It was noted that the point of access to the plot from the lane was fixed within the outline application which has not reserved the means of access to the site. Beyond the access itself, the layout of the driveway / parking area will be considered as part of the reserved matters.

In noting the detail of the application it was proposed by County Councillor S. McConnel and seconded by County Councillor M. Powell that application DM/2021/00037 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/00037 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote
attendance on Tuesday, 2nd August, 2022 at 2.00 pm**

**6. DM/2021/01735 - Retention of domestic garage. 60 Old Barn Way,
Abergavenny, NP7 6EA**

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

The application was presented to Planning Committee on 5th July 2022 with a recommendation for approval. However, Planning Committee had resolved to defer consideration of the application for further negotiations to be held with the applicant.

Following the Planning Committee meeting on 5th July 2022, Officers gave three options to the applicant:

- Revert back to the original (approved) scheme.
- Reduce by 500mm for further consideration.
- Keep the proposal as it is.

Following discussions with Officers, the applicant requested that the Planning Committee determine the application as originally presented to Committee on 5th July 2022.

On this basis, the following reason for refusal was suggested for consideration in the event that the Planning Committee considers the current proposal to be unacceptable:

- By virtue of its unacceptable scale and mass, the proposal fails to respect the existing form, scale, massing and layout of its setting and is therefore contrary to criterion c) of the Monmouthshire Local Development Plan Policy DES1.

In noting the detail of the application the Planning Committee expressed disappointment that the applicant had not considered the concerns raised at the previous meeting.

It was therefore proposed by County Councillor B. Callard and seconded by County Councillor M. Powell that application DM/2021/01735 be refused for the following reason:

- By virtue of its unacceptable scale and mass, the proposal fails to respect the existing form, scale, massing and layout of its setting and is therefore contrary to criterion c) of the Monmouthshire Local Development Plan Policy DES1.

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

For refusal	-	11
Against refusal	-	1
Abstentions	-	2

The proposition was carried.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote
attendance on Tuesday, 2nd August, 2022 at 2.00 pm**

We resolved that application DM/2021/01735 be refused for the following reason:

- By virtue of its unacceptable scale and mass, the proposal fails to respect the existing form, scale, massing and layout of its setting and is therefore contrary to criterion c) of the Monmouthshire Local Development Plan Policy DES1.

7. New Appeals Received - 28th May 2022 to 20th July 2022

We noted the new appeals received by the Planning Department for the period 28th May to 20th July 2022.

The meeting ended at 3.22 pm.

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Application Number: DM/2021/00691

Proposal: Change of use of agricultural barn to B1 (light industrial/office) including replacement cladding. It is intended for the building to be used as premises for producing a small range of organic, fermented apple cider vinegar drinks and tonics, and fermented condiments aiming to improve natural gut health

Address: Parc Farm, Parc Road, Llangybi, Usk, Monmouthshire

Applicant: Mr and Mrs Jones

Plans: All Existing Plans PP01(1) - , Location Plan PP03(1) - , All Proposed Plans PP02 - Rev D, Other Working Method Statement - V1 AVA Ecology 20/11/20

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 06.05.2021

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing working farm on land just outside the village of Llangybi.

The site is within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC) but has no other designations.

1.2 Value Added

The application originally proposed a change of use to a general industrial use (Use Class B2). However, after taking on board the various representations which were lodged objecting to the application, the scale of the proposal has been reduced and the use class changed to light industrial (B1). Further information in relation to traffic movements were also provided.

1.3 Proposal Description

The former cubicle shed which is the subject of this application is largely redundant. At 2.8m to the eaves and 3.6m to the ridge, the building is too low to provide adequate accommodation for beef cattle as the low roof and its shallow pitch do not provide adequate air space for heat and moisture generated by large cattle to disperse. It is proposed to change the use of this building to a diversified business known as Tylluan Fach Limited ("Trust Your Gut") which requires dedicated premises for producing a small range of organic, fermented apple cider vinegar drinks and tonics, and fermented condiments aiming to improve natural gut health. The proposed business use is in association with the existing farm business and is therefore considered as agricultural diversification.

The site has the benefit of planning permission for an additional steel portal framed building for the accommodation of cattle, and a replacement agricultural building over the footprint of the former parlour, which is to be demolished (planning reference DC/2014/00440). This planning permission has been implemented but work is not yet complete.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/00565	Creation of a fruit and vegetable garden in a field. We have been using part of our field to grow fruit and vegetables and to house a few chickens. I have been informed that this needs permission for change of use for this part of the field to a garden. (Work commenced in 2016 but is ongoing, as additional beds are created annually).	Approved	15.09.2020
DC/2016/01173	Side extension to existing agricultural shed.	Acceptable	29.11.2016
DC/2015/01382	Discharge of conditions 5 (photographic survey) and 8 (landscaping) relating to planning application DC/2013/00680.	Approved	27.11.2015
DC/2013/00960	Realignment of existing private driveway and retention of hardstanding and erection of timber domestic storage outbuilding.	Approved	27.01.2014
DC/2009/00681	Conversion of and alterations to a range of period barns to create four residential dwellings	Approved	23.12.2009
DC/2015/00780	Non material amendments in relation to planning permission DC/2013/00697. Alteration to approved driveway alignment and relocation of approved garage.	Approved	23.07.2015
DC/2012/00951	Conversion of and alterations to a redundant period barn to create a residential dwelling	Approved	23.04.2013
DC/2015/01545	Design variation of planning permission ref DC/2013/00680 - proposed conversion of and alterations to two redundant barns creating a single residential dwelling.	Approved	23.03.2016
DC/2013/00679	Proposed detached garage and external store.	Approved	15.10.2013

DC/2016/00977	Non material amendment (new access and double garage) relating to application DC/2013/00697.	Withdrawn	
DC/2013/00697	Proposed new access and double garage.	Approved	12.11.2013
DC/2013/00301	Conversion of redundant cattle sheds to residential holiday lets.	Refused	12.08.2013
DC/2013/00980	Extension to existing agricultural building to increase storage of fodder, hay & machinery to existing livestock shed.	Acceptable	06.12.2013
DC/2014/00440	Demolition of former milking parlour and construction of slurry store and construction of livestock shed	Approved	06.06.2014
DC/2013/00680	Proposed conversion of and alterations to two redundant barns creating a single residential dwelling	Approved	04.12.2013
DC/2017/00327	Discharge of condition 6 for DC/2016/01017.	Acceptable	02.05.2017
DC/2016/01017	Proposed design variation to approved garage & driveway alignment	Approved	01.11.2016
DC/2017/00648	Discharge of condition 7 (Biodiversity) for DC/2015/01545.	Approved	10.08.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

EP5 LDP Foul Drainage
RE2 LDP The Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use
RE3 LDP Agricultural Diversification
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

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

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llangybi Fawr Community Council - Concerns were expressed regarding the impact of traffic on Parc Road in particular, should the development go ahead. Concerns focused on the number of vehicles, the size of the vehicles and the times of the day that vehicles might be arriving at or leaving the premises. It is therefore suggested that some restrictions relating to those issues, may be appropriate in the event of approval being given to the application.

NRW - No objections. We advise that your Authority should screen the proposal through a Habitats Regulations Assessment (HRA). Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

MCC Biodiversity - No objections subject to conditions (CEMP, Method Statement, lighting and biodiversity net gain).

MCC Planning Policy - No policy objections.

MCC Highways - No objections.

The highway authority in considering the application and with particular reference to the drawings and transport statement letter offer the following observations.

Local Highway Network - Parc Road is an un-numbered classified road, a through route providing access to other strategic routes in the County, other villages, and the wider residential, agricultural and commercial properties to the west of the application site and further afield. Route R101, Parc Road is subject to the national speed limit and is subject to a 7.5 tonne environmental weight traffic regulation that restricts vehicles in excess of this weight using the route as a through route, the traffic order does not prevent vehicles in excess of this order delivering to the existing and proposed development.

Traffic Impact - The application proposes the manufacture and distribution of apple based products and not retail therefore the proposed increase in traffic generated by the proposal and as detailed in the transport statement letter is not considered excessive and the traffic numbers and distribution of vehicle movements is considered reasonable. The size of delivery vehicles that would require access to and from the proposal are like those vehicles that would require access to the sites extant use such as feed and livestock lorries, etc.

Access - The application proposes utilising the existing means of access, the existing access is considered wide enough, gates set back from the carriageway and has adequate viability in both directions but is considered to be in a poor state of disrepair. The access is considered more than capable of accommodating the proposed development, however the condition of the access warrants further attention / repair to ensure that the vehicle accessing and egressing the site can do safely and to prevent further deterioration of the carriageway edge.

Therefore, in respect of the aforementioned the highway authority do not object to the proposed change of use, the application is not considered to be detrimental to the safety and capacity of the local highway network, however in determining the application the highway authority recommends the following.

- The existing means of access is improved / repaired to ensure that the use of the access and adjacent public highway is not compromised by way of repairing/replacing the concrete drive between the public highway and gates and reinstatement of the carriageway edge.
- The development is limited solely to the change of use proposed and the site is not used for retail or any other purpose.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Fourteen representations received in relation to the amended scheme:

- The road is not fit for industrial vehicles of any sort, and I have concerns about the longer term aims or potential for further change of use (e.g. B1 to B8 is permitted without application).
- Llanybi, is essentially a small traditional village located around agricultural land and farming. I would like to think that MCC planning department would maintain this status as there are too many villages being disrupted by change that does not fit into the setting of village life.
- In current times I would have thought the current use of buildings for agriculture would be far more essential than a unit factory or 'light industrial offices' which can be situated in numerous empty purpose built factory units throughout the county on road infrastructure suitable for this purpose.
- Noise and increased traffic (and size of vehicles in narrow country lane), specifically highways safety.
- The amended application for B1 use still does not change any stipulation for the frequency and size of any vehicles accessing the site, and this really concerns us.

- We would request that representation be made to MCC that if this application is approved its only on the basis that such a use is tightly controlled, and would specifically request that clear conditions be attached to any consent, which would restrict the following:
 1. the use of the property be restricted to between the hours of 8am and 6pm on weekdays, and 10am to 4pm at weekends;
 2. vehicles using the property to be a maximum size of 3.5t;
 3. the number of vehicular movements to the property to a maximum of [10] within any single day;
 4. that no application to further widen the consent to other commercial uses, or for commercial uses on other neighbouring agricultural buildings be made.
 These restrictions are all in keeping with the requested use and therefore should not be seen as being unreasonable.
- This business will need delivery vehicles for raw materials and collection of finished products. It would be different if the property opened onto a wider road.
- Even light industrial use will inevitably generate more traffic on Parc Road, which is narrow both within and outside the village of Llangybi.
- The lane is an amenity, used by residents and visiting rambles to access public footpaths through woodland and over fields at various points along its length between Llangybi and Coed y paen.
- Ripping either hedge out to accommodate traffic is not a desirable option either, as these hedges are ancient in places and species rich.
- Although the business proposed is an interesting and attractive one that we should be proud of in our area and encourage, Parc Farm is an inappropriate location because of transport accessibility, particularly if, as we would all hope, the business is really successful and grows further.
- Risk that this limited light industrial and office use could quite easily in the future be expanded into something bigger and less desirable.
- As a small business owner myself, I understand the desire to expand a business. But there are times we need to compromise on what's most convenient or cost-effective for us as a business and focus on our external impact such as the local community.

Two representations in support received:

- For farms to survive, small scale farm diversification of this nature should be encouraged, it is nearly impossible to make money from farming these days and in recent years farmers have relied on government grants to keep going.
- I have read some of the comments and you would honestly think the applicants had proposed to open a Tesco Distribution Centre.
- It would appear the road safety concerns are pre-existing; therefore the Council Highways team should be encouraged to look at solutions e.g. traffic calming etc, not use this as an excuse to block this application.
- Having taken the time to read this application thoroughly and also having made arrangements to view the site in person, I can see that a very small change of use of these redundant dairy/agriculture sheds will enhance the site improving its appearance and allowing diversification.
- Through local small business use for storage or workshop space the impact to the local access roads will be minimal. In fact there shouldn't be any heavy good vehicles at all.
- Far less traffic impact than heavy agricultural tractor/trailer and other plant use.
- A quick search locally suggests there is a very limited stock of small storage units, therefore the proposers seem to have found a great way to diversify an otherwise derelict building and potentially saving their agricultural business.
- Refreshing to not see another attempt to turn into more residential use.

Approximately 45 objections received to the application as originally submitted (i.e. including a B2 use).

5.3 Local Member Representations

No comments 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 application proposes a change of use of an agricultural barn to B1 use as a form of farm diversification in relation to the applicant's organic food process business. The application site is located outside the development boundary and is therefore considered to be open countryside. Policies S10 - Rural Enterprise, RE2 - The Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use and RE3 - Agricultural Diversification are considered to be of particular relevance to the determination of this application.

Policy S10 - Rural Enterprise, supports development to enable the diversification of the rural economy outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Development must re-use or adapt existing buildings where possible.

RE2 permits the conversion or rehabilitation of buildings in the countryside for employment use provided criterion a) is satisfied. The application proposes to convert an existing building with added replacement cladding. No new buildings or extensions are proposed; the proposal is therefore policy compliant in this respect. The design of the scheme should respect the character and setting of the site's rural location to fully satisfy the requirements of Policy RE2. Policy RE2 also states that where a modern farm building is involved it needs to have been used for its original purposes for a significant period of time.

RE3 requires supplementary evidence to demonstrate the diversification business is run in conjunction to and is complementary to the primary agricultural use and an appropriate business case to demonstrate the link to the existing business activity and benefits to the rural economy.

The holding extends to 52 acres (21.4 hectares) and is now based on the breeding of pedigree beef cattle which are sold and showed throughout the UK. The cubicle shed the subject of this application is unsuitable for modern agricultural use on account of its low height. In response to the changing political and financial landscape affecting Welsh agriculture, the applicants are putting in place supplementary income streams and capital grants, to support their developing agricultural business. In terms of the proposed use, organic ingredients are purchased from a variety of sources and processed into drinks. A key element of this business proposal is also to plant apple trees at Parc Farm. The combined use of land for fruit trees and grazing represents a form of agro-forestry which would benefit livestock (more shade), pollinators and the wider environment. Beehives have already been installed, to produce local honey.

Apples and honey produced on site would be harvested, processed and packaged at Parc Farm. The storing, processing and packaging of key ingredients produced on the holding will add significant value to the primary produce. Conversion of the unit will also enable the applicant to invest in the necessary internal fixtures and fittings required to operate a food processing unit to the highest standards. The business has taken off so rapidly and so successfully that dedicated premises are urgently required. A converted building at Parc Farm would provide the space for a specially-designed fermentation kitchen, packing and storage unit. Development of an on-site processing facility would provide the applicant with the security to invest in the planting of an orchard at Parc Farm.

The additional evidence submitted in support of the application has demonstrated that the proposed change of use complies with LDP Policy RE3 and is therefore acceptable in principle.

6.2 Visual Impact

The building that is the subject of the current application was formerly a cubicle shed for the housing of dairy cows. Cow cubicles were removed soon after the applicants purchased the holding. The building measures approximately 22.5m by 19.4m, creating a footprint of approximately 437 sqm. The building is approximately 2.8m to the eaves and 3.8m at ridge height, a roof pitch of 5°. The roof and walls are clad with corrugated fibre cement, including a covered ventilated ridge. Rooflights bring natural light into the building. Three sets of doors provide access into the north-eastern and south-western elevations. Internally, the roof is supported by 2no. rows of concrete pillars.

The surrounding area is characterised by the woodland of Llangybi Park to the north and a rolling expanse of farmland to the south, with outlying copses interspersed with isolated dwellings and farmsteads. It is proposed to re-use the agricultural building for commercial use while avoiding the need for any extensions or alterations beyond enclosure for security and weather-proofing. The changes will therefore be limited to replacement cladding that will not result in any greater impact on the amenity of this rural area.

The existing proportions of the barn will be respected to retain its agricultural character and there will not be any change to its form and bulk such that it will not have any impact on the adjacent field and the surrounding landscape. The external appearance, materials and finishes do not represent any discernible change from that existing which is entirely appropriate for this rural setting. As such, it is considered that the proposed development meets the requirements of LDP policies LC1, LC5 and DES1.

6.3 Biodiversity

An internal and external scoping survey was undertaken on the barns in December 2020. The steel framed buildings were deemed to have negligible potential for roosting bats. This level of survey effort and assessment is considered proportionate to the nature and scale of the application, and the Council's Biodiversity Officer agreed with the conclusions, mitigation and working method statement provided. The working method statement provided in Ecological Appraisal (Bat Scoping Survey) At Parc Farm (Agricultural Barns at Plot 1) Llangybi, Usk, Monmouthshire, 20/11/20, V1, prepared by AVA Ecology, must be strictly followed. The report states that it is anticipated that external lighting may be required to be installed for parking or security purposes. It is agreed that any external proposed lighting may impact foraging and commuting bats. No lighting plan has been provided and as such a Lighting Strategy needs to be provided. This can be secured via condition.

Sparrows were noted to be making use of the large barns. The report recommends that some ecological matters have not been fully addressed by the information provided and there are concerns that adjacent vegetation, nesting birds, common reptiles and hedgehogs if present could be impacted by the proposals. It is therefore suggested that a Construction Environmental Management Plan (CEMP) for the proposed works is provided. Again, this can be secured via condition, should Members be minded to approve the application.

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The 'Proposed Elevations & Plans' drawing details the location of enhancement and mitigation measures. However, no specification has been provided for any of the proposed boxes. Additionally, the position of the bird box should be altered to a western or northern elevation, as nest boxes on southern elevations are liable to overheating. Nevertheless, the enhancement measures proposed are deemed appropriate for the scale of development proposed.

On the basis of the above, it is considered that there will be no conflict with LDP Policy NE1.

6.4 Impact on Amenity

There are no neighbouring dwellings within close proximity of the building itself that are likely to be affected by the proposed change of use. The impact on highway safety which is one of the main concerns raised by local residents is addressed below.

6.5 Highways

The application site is accessed via an independent access directly off the adjacent classified un-numbered public highway Route R101 Parc Road. Route R101, Park Road is a through route providing direct access from R106 Usk Road approximately one kilometre to the southeast from the site to Coed-Y- Paen, Llandegfedd Reservoir and New Inn. Route R101 is subject to the national speed limit in the vicinity of the application site and is also subject to a 7.5 tonne environmental weight restriction that restricts the use of vehicles in excess of this weight using Route 101 Parc Road as a through route.

The application proposes the manufacture and distribution of apple based products and not retail or heavy industry and therefore the proposed increase in traffic generated by the proposal and as detailed in the transport statement letter is not considered excessive. The traffic numbers and distribution of vehicle movements is considered reasonable. The size of delivery vehicles that would require access to and from the proposal are like those vehicles that would require access to the sites extant use, such as feed and livestock lorries etc.

The application proposes utilising the existing means of access. This existing access is considered by the Council's Highway Engineer to be wide enough with gates set back from the carriageway and has adequate viability in both directions. It has been noted however that the access is in a poor state of repair. Works to improve the access between the carriageway and the access gates can be conditioned should Members be minded to approve the application.

On the basis of the above, the Highway Authority does not object to the proposed change of use and the application is not considered to be detrimental to the safety and capacity of the local highway network. Conditions suggested limiting the use to B1 only and also improvement works to the access are noted and can be applied to any consent which Members may be minded to give.

6.6 Foul Drainage (Phosphates)

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

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Private sewage treatment systems discharging domestic wastewater to ground built to the relevant British Standard where:

- the drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain, and
- the drainage field is located more than 50m from a SAC boundary, and
- the maximum daily discharge rate is less than 2 cubic metres (m³).

- Also, to ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground. The density of discharges to ground should also not be greater than 1 for every 4 hectares (or 25 per km²).

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

Concerns regarding the traffic impact and highway safety are addressed in Paragraph 6.6 above.

The use of the application building and not an existing unit elsewhere is considered acceptable in this case as the development is helping to diversify the farm.

Four conditions have been suggested by a third party:

1. the use of the property be restricted to between the hours of 8am and 6pm on weekdays, and 10am to 4pm at weekends;
2. vehicles using the property to a maximum of size of 3.5t;
3. the number of vehicular movements to the property to a maximum of [10] within any single day;
4. that no application to further widen the consent to other commercial uses, or for commercial uses on other neighbouring agricultural buildings be made.

The first and fourth conditions are considered to be reasonable, necessary and enforceable and can be applied should Members be minded to approve the application. Conditions 2 and 3 would restrict access to the site beyond the existing situation and therefore are not considered to be reasonable. It would also be difficult to monitor condition 3 so it is unlikely that this would be enforceable.

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

The application is considered to comply with LDP policies S10 and RE3 (agricultural diversification).

Due to its scale and character, the development will not lead to an unacceptable increase in traffic and there are no highways grounds on which to object (subject to conditions).

Minimal physical external alterations will be required to re-purpose the building and the provisions of LDP policies LC1, LC5 and DES1 are complied with.

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, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The content of the CEMP shall include details of measures to protect:

1. The watercourse from incidental pollution during development, especially hardstanding run-off
2. Nesting birds
3. Common reptile species
4. Hedgehogs

The approved CEMP shall be adhered to throughout the construction period.

REASON: to ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

4 All construction works shall be carried out in strict accordance with 'Section 6 - Working Method Statement' of the Ecological Appraisal (Bat Scoping Survey) at Parc Farm (Agricultural Barns at Plot 1) Llangybi, Usk, Monmouthshire, V1, prepared by AVA Ecology dated 20/11/20.

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

5 The approved 'Proposed Elevations & Plans - Revision D' drawing (dated January 2022 which illustrates the position of the wildlife boxes, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the Local Planning Authority no more than three months later than the first beneficial use of the building.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

6 No development shall take place until details of the repair of the access between the carriageway and the gates have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the use hereby approved commencing.

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

IN

7 The premises shall not be used for the approved purposes outside the following times:
8am - 6pm on weekdays
10am - 4pm at weekends/bank holidays.

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

8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

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

9 The building to which this permission relates shall not be used for any purpose other than for purposes within class [B1] of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that

order with or without modification) and in association with the operations of Parc Farm, Llangybi only.

REASON: In the interests of local amenity and to comply with LDP Policy EP1.

Application Number: DM/2021/01763

Proposal: Change of Use of the Land to an Animal Sanctuary. Temporary accommodation in the form of a touring caravan, to allow staff working at the Animal Sanctuary to stay occasionally overnight to assist with ill or injured animals

Address: Rhewl Farm, Shirenewton To Rhewl Farm, Shirenewton, Chepstow

Applicant: Ms Mary Frankland

Plans: Block Plan - , Location Plan - , Site Plan

RECOMMENDATION: Approve

Case Officer: Ms Kate Young
Date Valid: 27.10.2021

This application is presented to Planning Committee due at the request of the Local Member, Councillor Louise Brown

1.0 APPLICATION DETAILS

1.1 Site Description

Dean Farm Animal Sanctuary is situated between the village of Shirenewton to the west and the hamlet of Mounton to the south east. The property is located approximately 2.9 miles from the town centre of Chepstow and 5.2 miles from Caldicot. The property comprises of a range of modern agricultural buildings including general purpose buildings and a stock shed with lean-to attached. The land adjoining the site extends to approximately 63 acres (25 ha) and includes both pasture land and woodland. The buildings are located directly off the unnamed road which runs between Shirenewton and Mounton which is an adopted highway. The animal sanctuary is evolving into what appears to be a mixed-use development. It is not a farm, although its use for the care and safeguarding of animals including farm animals, whilst not agriculture, is not a use that deviates significantly from the previous use.

Dean Farm was purchased by the applicant in November 2016 as an agricultural holding run as a non-profit organisation (Dean Farm Trust) which provides homes to a number of animals which have been rescued. For the last six years, Dean Farm has operated as an Animal Sanctuary at Shirenewton where the main principle of agricultural practice remains. Agricultural operations on the holding include hay cutting and livestock grazing alongside all other general agricultural practices which are carried out throughout the year. The animals on the sanctuary are all cared for and animal welfare is maintained for the entire lifetime. Day to day operations at the sanctuary include general animal husbandry including feeding, treatment to animals, repairs to fencing, maintenance to building(s) and other farm management practices.

The Sanctuary is operated by a small team of staff including eight employees of which three are full time and five part time employees. The Sanctuary relies upon volunteer workers from the local community to assist in the day-to-day operations and has 20 regular volunteers with a further 30 seasonal workers who assist during open days, volunteer days and fundraising events. The Sanctuary relies entirely upon donations and as such operates a number of open days throughout the year. Prior to Covid restrictions, Dean Farm Animal Sanctuary held eleven public events between April and September 2019. Besides organised events, the Sanctuary has private visitors and guided visits including school visits.

At the time of writing, the Sanctuary provides housing for approximately 161 animals at present including the following:

12 Cattle including Guernsey cross, Jerseys and Holstein Friesians
55 sheep
7 Goats
27 Pigs
13 Horses
6 Donkeys
2 Ducks
70 Hens
4 Turkeys
3 Rabbits

The site is located in open countryside which has been designated by Future Wales as Green Belt Area for consideration. The site is situated within the Wye Valley Area of Outstanding Natural Beauty and is designated under Policy M2 of the Local Development Plan as a Minerals Safeguarding Area.

1.2 Proposal Description

This application seeks retrospective permission for a change of use from agricultural land to a mixed use. This part of the application refers only to the use of the land as it is operating at the moment. It does not involve any additional tourist or visitor facilities.

The second part of this application is the siting of a temporary touring caravan within the existing yard to allow for the volunteers to stay overnight in an emergency on such occasions when it is necessary for the welfare of an animal, particularly when the animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal sanctuary.

The proposed touring caravan will be located to the north western elevation of the existing agricultural buildings on site. It will be a Lunar Quasar 462 or something similar in nature. The caravan measures 6.15m x 2.22m and comprises of a two-berth accommodation, with a fully equipped kitchen, toilet and living/dining area. A new hedge would be planted to the west of the buildings and this would include a total of 23.4m (140 plants) comprising of approximately 63 Hawthorn, 42 Blackthorn, 21 Holly and 14 Apple Blossom.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01981	Conversion of existing redundant farm buildings to three dwellings.	Approved	16.12.2019
DM/2020/00044	Installation of glamping pods, amenity block, hot tubs, cosy cocoon with associated works & change of use from agricultural to camping.		25.10.2021
DM/2021/01728	Change of Use of existing agricultural building to provide a mixed-use public facility to include toilet and wash hand facilities and the temporary use of agricultural land for parking.		15.08.2022

DM/2021/01763	Change of Use of the Land to an Animal Sanctuary. Temporary accommodation in the form of a touring caravan, to allow staff working at the Animal Sanctuary to stay occasionally over night to assist with ill or injured animals	Pending Determination	
DC/2016/01241	Discharge of condition 5 (decommissioning and restoration scheme) from planning consent DC/2014/00939.	Acceptable	30.11.2017
DC/2015/01484	Conversion of barn to Residential Use with associated works and drainage etc.	Approved	28.01.2016
DC/2015/01268	Details reserved by condition: condition 1 (condition survey and associated documents) relating to application DC/2015/01011.	Acceptable	26.10.2015
DC/2015/01427	Non material amendments relating to planning application DC/2014/00939. PIR (passive infrared sensor) activated light at substation and amended dimensions of substation building.	Approved	24.11.2015
DC/2015/01065	Non material amendments to previous application ref DC/2014/00939 to include revisions to site layout, inverter and substation details, storage container and combiner box.	Approved	23.10.2015
DC/2015/01064	Discharge of condition 4 (details of the external finishes of the inverter stations and centre station, and details of any internal fencing, hard standing areas and access roads, the details of connection cabling and any signage) relating to application DC/2014/00939.	Acceptable	23.10.2015
DC/2015/01011	Non-material amendment to planning consent DC/2014/00939:- Revised access and construction traffic management plan.	Approved	21.09.2015

DC/2016/00276	The proposed development comprises the installation of: - 1 no. 300mm diameter radio link dish at a height of 24m AGL fixed to a new steel interface on an existing mast; - Non-visible equipment works within the existing internal equipment room in the building; - Ancillary development thereto including all necessary cabling and fixings. The proposed installation is required to provide replacement/improved transmission links to safeguard the operational integrity of the Airwave emergency services network.	Approved	12.05.2016
DC/2016/01316	Discharge of condition no.7 (Method Statement for Dormice) of planning permission DC/2015/01484.	Acceptable	12.01.2017
DC/2016/00690	Non material amendments in relation to planning permission DC/2014/00939 - change of plans to reflect 'as built' status of the project.	Approved	11.07.2016
DC/2015/01426	Installation of additional wooden H pole support in the Sudbrook/Chepstow 33kV line at Rhewl Farm, to accommodate an ABI and cable termination to provide a 'tee off' connection to Rhewl Solar Farm.	Approved	10.12.2015
DC/2014/00939	Provision of photovoltaic solar park and ancillary infrastructure.	Refused	05.12.2014
DC/2016/01152	Agricultural winter stock bedding shed.	Approved	04.12.2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S15 LDP Minerals
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

None relevant.

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Mathern Community Council - Object

The quality of the maps provided in the application are poor.

The comments made by this Council in respect of application DM/2021/01728 are equally valid to this application, all relating to the expansion of the operation at Dean Farm, particularly in respect of traffic generation.

The adequacy and discharge location of the foul water plant which would also serve this accommodation is not deemed adequate.

This Council would be concerned that the siting of this ancillary accommodation could provide a precedent for further on site accommodation.

The siting of the caravan adjacent to the existing building could constitute a fire risk as the proposed caravan is not fire rated.

MCC Highways - No objection.

The animal sanctuary had been operating in its current guise for a number of years, there no grounds to object to the provision of temporary accommodation for volunteers caring for animals overnight.

Have concerns regarding any potential increase in visitors to the sanctuary and therefore recommends a condition limiting the number of open days. The highway authority recommends that the number of open days run by the sanctuary is controlled by way of a suitably worded condition.

MCC Ecology - No objection.

5.2 Neighbour Notification

Objection letters received from two addresses

Flooding of the highway, this proposal poses a risk of causing effluent contamination to Mounton Brook.

An area of the existing field is already being used for parking.

The Sanctuary has held many public events including at Halloween and Christmas events.

There are more public events than the applicant claims.

We do not accept there is a need for overnight accommodation at the Sanctuary.

If animals require checks in the night, this can be arranged on a shift basis, with some staff working a night shift on what seem to be rare occasions.

Loss of good quality Agricultural Land, PPW aims to protect the country's best and most versatile agricultural land for food production.

Open days already attract thousands of visitors in a single day. An expansion of such public events would necessitate the widening of the highway over its full length.

The road is in a poor state of repair and dangerous.

No Agricultural Land Classification Survey submitted to support this application.

The agricultural landscape is an essential part of the value of this AONB.

Conditions should be imposed limiting future development as residential could pose a real threat to the rural community. in which the land sits.

The caravan has already been installed on the site and is used by the owner.

A driveway, extended hard standing and 'Grasscrete' has already been installed without planning permission

5.3 Other Representations

None received

5.4 Local Member Representations

Cllr Brown:

The change of use from agricultural to an animal sanctuary with public open days and events /school trips may well be considered to be inappropriate due to the location of the farm on a single rural track road with very limited passing places and its location together with other concerns needs to be fully considered by the planning committee.

It is no different to the previous two applications on this site. It is unclear from the information given why a caravan is necessary on site as there are full time staff employed and presumably some of whom live locally. The timing and frequency of vet visits may be during the day, as may be any observations. A local comment alleges that the reason for a caravan is simply due to the owner now living in Cornwall as opposed to living locally.

The previous application also covered toilet/s. There is no mention of any toilet facility in relation to this application.

The overall intention of these applications is still the same so dealing with this on an incremental piece by piece basis will not assist.

Local comments have also raised concerns with regard to parking, drainage and sewerage disposal and location.

The site can only be accessed by motor vehicle transport for journeys entailing a rural single track narrow lane between Shirenewton and Mounton, with limited passing places.

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

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

6.0 EVALUATION

6.1 Principle of Development

6.1.1 Retrospective Change Of Use

The land in question was purchased by the Animal Sanctuary in 2016 and over time more animals have been brought to the site and there are currently about 170 animals. Most of these are in open pens and graze the land with supplementary feed when necessary. The animal sanctuary is run by volunteers. A second part of the activities at the sanctuary are visits by the public including open days and school visits. The Land Use Gazetteer identifies Animal Sanctuary as a Sui Generis Use.

Planning Case Law:

The work carried out at an animal sanctuary can amount to a very special circumstance as demonstrated in Rotherham 5/12/2005 DCS No 100-040-519. The inspector noted that the appellant kept horses, ponies, donkeys, pigs, fowl, ducks, goats and sheep on the land. Although the keeping of animals in connection with agriculture did not involve development, it was clear that the appellant rescued stray and distressed animals and kept them in various buildings on the land. They were not kept for food and were not involved in the use of the land for agricultural purposes. The inspector, in that case decided that planning permission was required for a change of use of the land.

It is clear that an animal sanctuary is not agriculture but that as the grazing of animals is similar to agriculture and could be tolerated. As more diversification takes place with facilities being developed for visiting members of the public a change of use is occurring. The use of the land for keeping the rescued animals is considered acceptable as it is very similar to agriculture. The day to day operations at the sanctuary include general animal husbandry including feeding, treatment to animals, repairs to fencing, maintenance to buildings and other farm management practices. The issue arises when the facility is open to members of the public for open days and events and then the site takes on more of a tourism use. The more facilities that are provided on the site the more intensive the non-agricultural element of the operation becomes; in this case no new facilities are being proposed except for the touring caravan and that will not be used by visiting members of the public. The Sanctuary, as a charity relies entirely upon public donations. In order to help raise these funds the site holds a number of open days throughout the year. Prior to Covid restrictions, Dean Farm Animal Sanctuary held eleven public events between April and September 2019. From January 2021 to July 2022, there were twenty-four open days held with the maximum number of people attending on one day being 90. More commonly the number of people attending over the whole day was less than 50. Besides organised events, the Sanctuary has private visitors and guided visits including school visits. A condition can be imposed limiting the number of open days that can be held in one year.

6.1.2 Temporary accommodation in the form of a touring caravan, to allow staff working at the Animal Sanctuary to stay occasionally overnight to assist with ill or injured animals

In 2021 the applicants submitted a pre-application request with regards to providing emergency overnight accommodation for use by the staff when they had to attend to a sick animal. The matter was discussed with the Council's Agricultural Consultant who confirmed that it is common practice for animal charities/sanctuaries to use a permanently sited touring caravan to allow the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal sanctuary. A condition should be imposed on any approval limiting the number of nights that the caravan could be used for overnight accommodation. A log would be required to record when the caravan was used and this may be linked to vet call outs. To establish how many nights it is likely that the caravan would be used, there would be a need to look back over the last three years and estimate how many times it would have been used. Some additional days could be added to allow for flexibility.

The applicants have provided a log of how many times the caravan would have been used between August 2020 and June 2022. This amounted to 45 nights and included incidents such as:
Horse on antibiotics which required two-hourly observations
Horse required emergency vet and required 12-hour poultice on foot
Sheep required monitoring after having eyes pecked at by crows
Emergency vet call out
Lamb requiring 4-hour feeds for one week throughout the night
Abdominal surgery on pony requiring night checks for 5 days.

The applicants say that it is difficult to predict the level of overnight stays required in any given year as it is dependent upon a number of varying factors. However on average overnight stays are anticipated to be between 30 and 40 per annum. If approved this application can be conditioned that the caravan be used for a maximum of 45 days in any calendar year and that a record be kept of its use.

6.2 Economic Development

The Sanctuary is operated by a small team of staff including 8 employees of which 3 are full time and 5 part time employees. The Sanctuary relies upon volunteer workers from the local community to assist in the day to-day operations and has 20 regular volunteers with a further 30 seasonal workers who assist during open days, volunteer days and fundraising events. The number of Volunteers and staff will not alter as a result of this application.

6.3 Sustainability

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in open countryside, all employees and visitors to the site would be reliant on a private car to access the site. The sanctuary is not located in a sustainable location however it is existing and the current application will not affect the number of vehicular movements to the site.

6.3.1 Good Design

The touring caravan will be of conventional design and the planning authority has no control over its appearance. The site upon which the touring caravan is proposed extends to approximately 13.65m² and it is proposed to be located within an existing paddock utilised for grazing. It will be located against the north western elevation of the existing buildings. The caravan measures 6.15m x 2.22m.

6.4 Landscape

The position of the proposed touring caravan would be located against the north-western elevation of the existing buildings. Thus it will be screened from views from the east. The proposed touring caravan will be very small compared to the existing structures on the site. An existing native hedgerow runs along the southern boundary of the site, adjacent to the highway and will be retained. This hedgerow is maintained annually but will be allowed to grow up to help screen the views of the caravan from those using the highway. Furthermore, a new hedge will be planted to the west of the proposed touring caravan and would be approximately 23m in length and contain about 140 plants. The submitted landscaping plan shows the position of the new hedge which will comprise approximately 63 Hawthorn, 42 Blackthorn, 21 Holly and 14 Apple Blossom. The landscaping scheme will not only screen the caravan but also add to the biodiversity net gain on site.

Policy LC1 of the LDP presumes against new development in the open countryside but this proposal seen in context would be sited next to an existing agricultural building, would be assimilated into the surrounding landscape and would have very little impact on the surrounding landscape due to its scale and position. The site is located within the Wye Valley of Outstanding Natural Beauty, where any development must be subservient to the primary purpose of conserving

the natural beauty of the area. In this case, the change of the use of the land has very limited impact on the visual appearance of the area, the land continues to be grazed by a variety of animals, the fields have been subdivided into smaller paddocks with post and rail fencing and some shelters have been placed in some of the paddocks. The land continues to look agricultural in character. No new buildings are being proposed as part of this application. With regards to the siting of the touring caravan, this is very small and will be seen in the context of the existing barn against which it is to be placed. The touring caravan will be screened from long range views by the existing building and the proposed new hedge to the west. The scale, nature and intensity of the animal sanctuary is such that it is compatible with the overall management of the AONB. The proposed touring caravan will not generate additional traffic as the staff using it on an occasional basis already work at the site. If anything, it may reduce the level of traffic generated as the staff will need to make fewer trips in times of a medical emergency with the animals. The use of the site as an animal sanctuary has been ongoing for the last six years without an adverse impact on the Wye Valley AONB. This current application complies with the objectives of Policy LC4 of the LDP as it conserves the natural beauty of the area.

The use and the siting of the caravan harmonises with the landscape and is therefore compliant with the objectives of Policy LC5 of the LDP

6.5 Biodiversity

The site upon which the touring caravan is proposed extends to 13.65m², it will be located within an existing paddock utilised for grazing animals on the holding. It is not considered that the site has any potential to support protected species and as such no additional ecology assessments have been undertaken. MCC Ecologists have no objections to the application. The grassland appears likely to be species-poor and there will be a small area impacted. The roadside hedgerow will be retained and allowed to grow to screen the caravan. Although the application also relates to a change of use, the land is already used by grazing animals and it appears unlikely that the change of use will materially impact on biodiversity. Part of Gorrashill Wood Site of Importance for Nature Conservation (SINC) appears to be within the landholding, but there is no evidence that there will be additional impacts on the SINC. The site is not within any areas highlighted of being of concern by NRW in terms of phosphate inputs into the River Wye or River Usk catchments as a result of foul drainage.

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. As an enhancement it is proposed to install a bird box to be positioned upon a mature tree located within the woodland to the north of the holding. In addition 23m of additional hedging will be planted to the west of the caravan and this will be made up of indigenous species. The Sanctuary also includes a number of bat boxes across the site and a further bat box will be installed upon a mature tree within the woodland. This will ensure that the provisions of Policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

6.6 Impact on Amenity

There is a farm complex at Rhewl Farm approximately 80m to the south east of the proposed caravan. Many of the stone barns on the site have also been granted planning permission to be converted into residential properties. Between the position of the proposed caravan and the complex at Rhewl Farm is a large agricultural building. The siting of the caravan will not affect the residential amenity of the occupiers of Rhewl Farm. There will be no intensity of use of the sanctuary resulting from the siting of the caravan as it is only to be used in emergencies by the existing staff and volunteers on the site.

6.7 Highways

6.7.1 Access / Highway Safety

The sanctuary is located in a rural area that has very poor sustainable transport provision and anybody visiting the sanctuary is solely reliant on the car. The animal sanctuary had been operating in its current guise for a number of years and the Highway Authority is not aware of any accidents or congestion issues in the local area that have resulted due to the operation at the sanctuary. The provision of a touring caravan to accommodate volunteers caring for animals overnight on an occasional basis will not generate additional traffic in the area and the Highway Authority has no objections to the siting of the caravan.

The open days do however generate additional traffic and although the numbers are small and spread throughout the day the concentrated vehicle movements associated with the high number of open days at the sanctuary are considered to be detrimental to the safety and capacity of what is considered to be a narrow and rural highway network. The Highway Authority recommends that the number of open days run by the sanctuary is controlled by way of a suitably worded condition. It is proposed that a condition will be imposed limiting the number of open days to be held in any one year to twenty-four.

6.7.2 Parking

Parking for those working at the sanctuary is provided to the south east of the buildings upon the associated yard area. The proposed development does not include the provision of additional parking or any alterations to access. There is a small informal car park at the entrance to the site. This has been left as grass and can be used on open days. The car park appears to be of sufficient size for use on the open days and there are no records of cars parking on the highway.

6.8 Flooding

Based on the Development Advice Maps associated with Technical Advice Note (TAN) 15: Development and Flood Risk the site is outside of any allocated flood zone and is therefore unlikely to flood. The application site is not located within an area classified as being at risk of flooding as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004) and as published by Natural Resources Wales

6.9 Drainage

6.9.1 Foul Drainage

The retrospective application for the change of use of the land will not result in any increase in foul water discharge. The touring caravan would have its own chemical toilet which would be subject to an emptying regime.

6.9.2 Surface Water Drainage

Surface water from the caravan will drain to soakaways . The site area of the caravan is well below 100sq.m. and there is no additional hardstanding resulting from the proposal. Therefore SAB approval will not be required.

6.10 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SAC's of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment

and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.11 Mineral Safeguarding Area

The proposal to site a caravan in this location, is unlikely to impact on the mineral safeguarding of the area given that it is located within an established enterprise and is adjacent to an existing building.

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

Level of traffic generated by the application.

The siting of the touring caravan for use in emergencies when an animal is sick will not generate additional traffic, the staff using the caravan will already be on site, the caravan is somewhere to sleep if they need to attend to the animals through the night. It may actually reduce traffic movements slightly as the staff will not have to access the site more than once a night.

The existing use of the animal sanctuary will not alter because of this application, it will only regularise the existing situation. The Highway Authority has offered no objection to the retrospective change of use. There are no recorded incidents of traffic safety issues in the last 6 years since the sanctuary was founded. The open days do generate additional traffic but this is very low compared to the overall use of the highway network as is spread out throughout the day. If the application is approved there is an opportunity to limit the number of open days that can be held in any one year and this would improve the current position.

Justification for the caravan

This has been explained in the main body of the report. The matter was discussed this with the Council's Agricultural Consultant, who confirmed that it is common practice for Animal charities/sanctuaries to provide a touring caravan on the site to allow for the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal sanctuary. A condition could be imposed on any approval limiting the number of nights that the caravan could be used for overnight accommodation.

Provision of toilets on the site.

This application does not include additional toilet facilities. The touring caravan will have its own chemical toilet inside, as with any touring caravan. Reference is made to incremental development of the site. Each planning application has to be determined on its own merits and the details that are included in this application. Any future developments on this site would require a separate application.

Quality of the submission is poor.

Officers consider that there are sufficient details in the submission to make an informed decision. Reference is made to a different application, DM/2021/01728. This application has been withdrawn and has no bearing on this current application.

The siting of a caravan on the site will pose a fire risk.

This is properly a matter for other legislation.

Precedent for further residential development.

This application is not seeking permanent full time residential accommodation, just some overnight accommodation in case of emergency. The site is outside any development boundary and there is no justification for residential development in this location. This current application will not set a precedent in this regard. The need for the emergency accommodation and the impact on the AONB have been discussed in the main body of the report. There is no need to impose a condition limiting further development on the site as any such application, including one for residential use would need to be the subject of a separate application

There have been letters of objection received from two addresses.

Residents are concerned that the application will result in flooding of the highway and contamination of the Mounton Brook. The change of use has not resulted in any foul water or surface water discharge. The siting of the caravan will result in some surface water running off the caravan but this will be minimal and soak away to the existing field. The proposal does not involve any additional hardstanding and no SAB will be required due to the small size of the caravan.

Objectors consider that there are more public events than the applicants claim. This could be controlled by a condition limiting the number of open days that can be held in any one day, thereby improving the current situation.

Loss of high quality agricultural land that should be used for food production.

National and local planning policies do allow for farm diversification and in this case there is no certainty that if the application was to be refused that the land would return to food production.

6.13 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.

6.14 Conclusion

The site has been running as an Animal Sanctuary since 2016. The use of the land for keeping the rescued animals is acceptable as it is broadly similar to agriculture. The Council's Agricultural Consultant has confirmed that it is common practice for Animal charities/sanctuaries to use a permanently sited touring caravan to allow the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal. The sanctuary provides employment for eight members of staff and volunteering opportunities for up to fifty people. The sanctuary is not located in a sustainable location however it is existing and the current application will not affect the number of people accessing the site or the number vehicular movements to the site.

The proposed caravan is very small and will be viewed in the context of the large existing agricultural building next to which it will be sited. A new hedge will be planted in front of the caravan to screen it from view and to provide biodiversity enhancement. This application complies with the objectives of Policy LC4 of the LDP as it conserves the natural beauty of the Wye Valley. The proposed touring caravan and animal sanctuary use will not cause a significant visual intrusion into the landscape and it will not cause a significant adverse change in the character of the area. The animal sanctuary use is compatible with this location and has been operating as such since 2016. The use and the siting of the caravan harmonise with the landscape and are therefore compliant with the objectives of Policy LC5 of the LDP. It complies with Policy NE1 of the LDP with regards to providing biodiversity enhancements.

The Highway Authority have no objections to the siting of the caravan - this will not result in an increase in traffic movements to the site. The number of open days can be controlled by condition. There will be no alterations to the parking provision or the existing vehicular access. The application is policy compliant in all respects and it presented to Members with a recommendation 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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

4 The touring caravan hereby approved shall only be used by staff or volunteers of Dean Animal Sanctuary for the sole purpose of the welfare of animals kept at Dean Animal Sanctuary. It shall not be used for overnight accommodation for more than 45 days in any calendar year. An up to date register recording all the times that the caravan is used for overnight accommodation showing the dates of arrival and departure shall be maintained by the site operator and shall be made available at all reasonable times for inspection by the Local Planning Authority. The register should also show how many time a vet visited the site. The caravan, hereby approved, shall not be occupied as a person's sole or main place of residence.

REASON: To ensure that the touring caravan is only used to allow the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. The provision of permanent residential accommodation would not be acceptable in the open countryside.

5 No more than 16 open days shall be held in any one calendar year. An up to date register containing details of the date and times of all open days shall be kept and made available for inspection by the Local Planning Authority upon request.

REASON: The use of this site for more than 16 open days per year would have an adverse impact on the highway network and would be contrary to the provisions of policy MV1 of the LDP and to protect the amenities of the nearby residential properties from noise and general disturbance in accordance with LDP Policy EP1.

6 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the caravan, adjacent barn or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

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

7 The development shall be carried out in accordance with the method statement of the approved Biodiversity Plan drawing and Design and Access Statement (DJ&P). This shall include the installation of one bird and one bat box to the specification provided and native tree planting to

the west of the caravan. Ecological enhancement measures shall be installed before the first occupation of the caravan and retained thereafter.

Reason: To provide no net loss and net gain of biodiversity in accordance with the Section 6 Duty of the Environment (Wales) Act 2016 and LDP Policy NE1

Application Number: DM/2021/01823

Proposal: Change of use from agricultural to One Planet development

Address: Land south of Trecastle Farm, Trecastle Road, Llangovan, Monmouthshire

Applicant: Mr Paul Trotter

Plans: A1A - , A1B - , A1C - , A1D - , B1A - , A2A - , A2B - , A2C - , A3 - , B1B - , B1C - , B1D - , B1E - , B1F - , B2 - , B3A - , B3B - , B3C - , B4 - , B4A - , B4B - , B5 - , ANNUAL MONITORING FORM - , NRW SURVEY DETAILS 4 - , CFSH MATERIALS REPORT - , LANDSCAPE-ARCHITECT-LETTER-OF-SUPPORT - , NRW SURVEY DETAILS 1 - , NRW SURVEY DETAILS 2 - , NRW SURVEY DETAILS 3 - , NRW SURVEY DETAILS 5 - , TRENDSPOTTING LETTER OF SUPPORT - , SOIL-ANALYSIS-SUMMARY - , ONE PLANET DEVELOPMENT ECOLOGICAL FOOTPRINT - , PRELIMINARY ECOLOGICAL APPRAISAL - , RESPONSE TO HIGHWAYS

RECOMMENDATION: Approve subject to S106 agreement

Case Officer: Mr David Wong
Date Valid: 04.11.2021

The Ward members have requested this application to be determined by Planning Committee and there are five or more objections to the application

1.0 APPLICATION DETAILS

1.1 Proposal Description

1.1.1 Trecastle Wood, formerly part of New Trecastle Farm, is in the open countryside and is situated some 2.4 miles south-east of Raglan. The site in question is a total area of 14.1 acres, comprising two field parcels with an existing track which has recent planning permission to be upgraded to include a new stream crossing with associated planting. According to the Agricultural land classification: predictive map, the land is grade 2, which is good quality agricultural land.

1.1.2 There are no public rights of way or footpaths on the site and both the vehicular and pedestrian access to Trecastle Wood is via a shared access with two agricultural fields off a country lane to east of the site. The access track (DM/2020/01138), a culvert (DM/2020/01101) and a livestock shelter (DM/2020/01112) have been the subject of previous approved applications and have been constructed.

1.1.3 This application is seeking planning permission for a One Planet Development (hereafter referred to as OPD). The Welsh Assembly Government has created the OPD policy with the objective of adhering to global sustainable development targets. The OPD policy aims to encourage individuals, families and co-operatives alike to create residential developments that are either low impact, or do not significantly degrade the environment. Such developments are required to meet 65% of the residents' basic needs from the land within the first five years, including income, energy and food. The applicants have planned to start a family. It is useful to point out that this is a single household OPD, and the minimum needs appraisal and business planning was produced with this in mind.

1.1.4 Trecastle Wood will be zero carbon in construction. The overall zero carbon performance will be equivalent to the standards in the Code for Sustainable Homes (CSH) and Part L of the Building Regulations. It is proposed to build a three-bedroom straw bale cottage and workshop

with a traditional timber frame; both would be single storey and have green roofs, which will be made with local natural materials, including timber sourced from approximately 1.5 miles from the site. The proposed dwelling measures 19m in width, 11.5m in depth and 6.5m in height, and the proposed workshop is measures 9.6m in width, 9.5m in depth and 6.5m to the ridge. The workshop is designed for running courses that is primarily for the willow working enterprise element of the site.

1.1.5 This application also proposes a root cellar (for long term food storage), a humanure, a sheep shelter, a barn (for storage of hay and tree fodder, harvested willow being prepared for weaving, commercial animal feed and agricultural tools and machinery), polytunnels, productive vegetable garden, ponds and native planting. Like the proposed dwelling and workshop, the barn is also single storey (5.7m to the ridge) and has an internal floor space of 77m² and will be timber clad; it is (including the overhang area) 18.6m in length and 8m wide. All structures will be recessed into the slope. The buildings are grouped in this site i.e. the root cellar is situated to the north of the dwelling, the barn to the north east, the workshop and sheep shelter to the west, the potting shed and the greenhouse and the polytunnels to the south, which are within close proximity of the dwelling.

1.1.6 The overall aim of this project to enable the applicants to generate efficient natural resources to sustain them living a low impact lifestyle in the open countryside. The site has been designed to provide for their minimum needs in terms of income, food energy and waste assimilation within five years of habitation. At least 65% of their food will be grown and reared at the site. There are currently no on-site services. A mains water pipe runs along the highway by which the site is accessed. In terms of energy, solar panels will be employed to serve the site. Heating will be met by biomass grown on site. The water needs and the water needs activities on the site will be provided for by capturing rainwater. Human waste will be thermophilically composted in the purpose built humanure unit. Greywater from the laundry, sink and shower will be treated by a reed bed system. In terms of surface water drainage, full details of the system along with sizing calculations will be detailed in the sustainable drainage systems plan for the development, which is a separate process.

1.1.7 The principal income-generating activity proposed from this site is producing animal products from a 'silvopasture' agroforestry system and willow products including adding value to willow from the site by basketry. Silvopasture will be the primary form of agroforestry at Trecastle Wood. It involves grazing livestock in pasture alleys between rows of trees i.e. the high-value tree component (timber, biomass, orchard) offers an overhead crop whilst continuing to produce forage for livestock. The income streams will be 1) Sheep, 2) Chicken eggs, 3) Pork and 4) Willow products and courses.

1.1.8 The applicants will be producing a range of livestock for sale which will provide meat and eggs and incidental surpluses for domestic use. Ducks will used to assist with pests within the vegetable production and their eggs will contribute to the domestic diet. Chickens will be kept commercially for eggs and as birds are replaced, they will be used as the main source of meat to feed the household. Pigs and sheep will also be kept as part of the business activities and to assist in managing the wider site and surplus pork and lamb would also be available occasionally to feed the household. Honey bees will provide honey, wax and propolis (bee glue). This will contribute towards the domestic food requirements.

A thousand willow trees will be planted to help increase biodiversity and for the production of willow basketry/products.

1.1.9 In terms of the business strategy, the produce is intended to be sold through a range of routes. The applicants intend to start with a stall at local farmer's markets and will practice innovative sales techniques like selling meat vouchers to pre sell meat looking to minimise costs of sales. They also hope to partner with a nearby Community Supported Agriculture (CSA) to facilitate an offering of meat and eggs alongside its core vegetable box deliveries and they aim to develop a network of shops to which they can sell eggs. CSA is a partnership between farmers and consumers in which the responsibilities, risks and rewards of farming are shared. They are working with other small local producers and OPDs to create a local 'Our Food' network which will provide both an opportunity for low waste local food purchases for the household and a path to

reach other local people to buy the produce from the OPD. Willow products will be sold through craft fairs and online.

1.1.10 Establishing a sustainable ODP will reduce the need to travel. A Transport Assessment and Travel Plan is presented within the application; this details the calculation of journey numbers and an indication of the breakdown of journey types anticipated including separate trips for domestic purposes, trips for business purposes and trips made by visitors to the site. The applicants are proposing to combine shopping trips with business deliveries, and the visitors and volunteers will lift share, and the course participants and tour attendants will be encouraged to car share and travel by public transport. This details how they will reduce the need to travel and when there is a need, e-bike, bikes, active travel (zero carbon) methods and public transport will be prioritised. The assessment notes the local public transport connections, bus routes and train stations.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/01101	The proposed farm culvert will allow safe livestock, pedestrian and vehicular across a small waterway. The provision of a culvert will support farm activities on 12.5 acres of land that is currently not safely accessible from the rest of the site or from public roads. It will reduce erosion and stock lameness caused from crossing the waterway without a managed crossing point. It will provide access to the field shelter and stock gathering system positioned in our largest field (see separate application). An improved track will lead from the adopted road to the east, over the culvert to the field shelter.	Acceptable	08.09.2020

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
GI1 LDP Green Infrastructure
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
MV1 LDP Proposed Developments and Highway Considerations

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

TAN 12 Design
TAN 22 Planning for Sustainable buildings

Supplementary Planning Guidance

MCC Green Infrastructure SPG 2015

5.0 REPRESENTATIONS

5.1 Consultation Replies

Mitchel Troy United Community Council: Refuse. The access to this site is a field access leading onto agricultural land not owned by the applicant, (the applicants have a right of way for agricultural purposes) The proposal will require a properly constructed track suitable for residential use and a bridge will need to be constructed over a stream. This level of construction seems inconsistent with TAN 6. The access opens onto a dangerous bend where the single track lane narrows and visibility is severely restricted (a tractor driver can see over the hedges). Any increase in traffic over the occasional tractor movement will create an increased risk for any road users. The adjacent hedges are not in the applicant's ownership and so improved visibility splays cannot be provided. Overall this proposal would require an unacceptably high level of construction work in the open countryside and given the lack of detail appears a calculated means of obtaining residential development where it would not usually be acceptable.

While 4 parking spaces are noted on the plans would this be sufficient for residents, staff, customers? What facilities are proposed re toilets and waste disposal? While the objectives of One Planet seem desirable the applicants fail to make a case (TAN 6). There is a lack of detail e.g. the Business Plan does not indicate what they intend to sell and so, in the absence of sufficient information.

MCC Highways: No objection.

The application proposes the creation of a One Planet Development, selling produce and craft, and the provision of various courses. The site is off a small rural road south of Penyclawdd at the national speed limit, however vehicle speeds will be lower due to the conditions and layout of the road. Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that the local highway network has sufficient capacity to accommodate the additional traffic flows from the development. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time AM and PM traffic flows therefore is not considered to have any detrimental impact on highway safety. The applicant has provided detailed information in support of the application detailing the use of the small holding and anticipated usage following its implementation. The highway authority has no reason to challenge the projected vehicle movements to and from the proposed development. The travel assessment states there will be only 4 parking bays for visitors and expects most to car share or use sustainable transport to limit the amount of traffic generated by the site. The access has already been improved under DM/2019/01772, though on a site visit it is apparent that visibility to the south is still limited due to the hedge and verge, and the detail of the access does not match the previously approved layout. It's also evident that the current surface is not preventing debris and mud from entering the public highway and is therefore not suitable for purpose. Though we do not object to the principle of the development, we would request the applicant to provide a detailed engineering drawing for the access to include full dimensions and proposed hard surface material to in order to overcome the concerns raised in respect of debris being brought onto the highway.

Following communication with the applicant and the provision of further detail our concerns have been satisfied and we consider the extension of the geogrid to be acceptable in reducing debris being brought into the highway.

MCC Biodiversity and Ecology: No objection subject to conditions. An Extended Phase 1 Habitat survey undertaken on 27 July 2019 (with a follow up visit on 1 August 2021) by Aderyn Ecology identified three priority habitat types on site; semi-natural broadleaved woodland, hedgerow and ponds. The woodland and hedgerow provide suitable habitat for bats, hazel dormouse, and nesting bird species. There are several veteran trees within the site with potential roosting features for bats. It is understood that no trees will be removed as part of the works. The ponds were found to be in poor condition and unsuitable to support great crested newt. The majority of the site consisted of improved grassland managed previously for agriculture with rush species present. The survey found evidence of invasive Himalayan balsam at the watercourse at the east of the site and was destroyed. The grassland provides suitable foraging habitat for badger, barn owl and amphibians and reptiles. It is considered likely that lesser horseshoe bats use habitats within the site for foraging due to the proximity of Llangovan Church SSSI within 2km where a breeding colony of this species is present. This SSSI is part of the Wye Valley and Forest of Dean Bat Sites SAC. We do not consider that there is a pathway to affect this unit of the Wye Valley and Forest of Dean Bat Sites SAC and therefore, we have not undertaken a Test of Likely Significant Effect in this case. The walkover survey followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey, A technique for environmental audit. This level of survey effort and assessment is considered proportionate to the nature and scale of the application, and I agree with the conclusions. As stated in the OPD Management Plan, a sensitive lighting scheme should be developed to avoid lighting spill onto woodland and hedgerow habitats, and the small watercourse located to the east of the site. This plan has not been provided with the current application; should you be minded to grant consent we will need to secure this via condition, a suitably worded condition is provided below. It is recommended that a construction environmental management plan is submitted to the LPA in order to reduce disturbance impacts to protected and priority species. Suitably worded conditions are requested.

MCC Drainage: No objection. The proposed site layout and drainage system will impact runoff from the site. The application includes no drainage information or ground testing. As the total construction area is above 100m² then SAB approval will be required prior to works commencing on site. During construction the applicant will need to ensure that there are no increases in runoff or silt washing into local watercourses. This can be managed by constructing the drainage system first and ensuring silt management measures are in place.

MCC GI Landscape Officer: Provisional holding objection – Further information or clarification is required. However, Should the application progress to be approved the appropriately worded conditions should apply if not satisfactorily provided during the application process prior to determination.

The application has been considered from a landscape and GI perspective and in the context of the valued landscape setting. There is a provisional holding objection from a landscape and GI perspective seeking clarifications and additional information. However it is noted that the OPD site plan is relatively comprehensive with a well-researched vision and analysis within the context of the application and has included the consideration of visual impact from receptor locations as identified in the LVIA. The application site is within two field parcels to be accessed via an existing track which has recent planning permission to be upgraded to include a new stream crossing with associated planting.

The site is located in the Llangovan landscape character area typified by open gently undulating lowland crossed and dissected by numerous streams and tributaries flowing into the Pitt and Olway brooks. This LCA contains the Minor Villages of Llangwm and Llansoy. The eastern extent of this LCA lies within the Wye Valley AONB however the site location sits to the west of the AONB boundary.

Large regular fields of improved pasture and arable crops are bounded by a mosaic of traditional field boundaries. In places intensive management has resulted in the breakdown of these field boundaries resulting in enlargement of fields and intrusive lines of post and wire fencing. Interspersed on these low pastures are fields of unimproved grasslands forming part of the Cobblers Plain Meadows. Although generally open, small pockets of woodland and groups of trees and parkland are scattered throughout this landscape, often found in low dips and valley bottoms enclosing scattered farmsteads and country estates.

An analysis of the relevant sensitivity appraisals from LANDMAP information indicates that the LCA has been evaluated as;

Visual and Sensory;

100% High Historic Landscape;

31% Outstanding,

69% High Geological Landscape;

7% Outstanding,

93% High Cultural;

100% Outstanding

The landscape setting and site is within a highly valued landscape character. LDP policy LC1 New Built Development in the Open Countryside and LC5 Protection and Enhancement of Landscape Character seek to ensure that the integrity and value of the Monmouthshire landscape character is maintained and enhanced wherever possible. The areas requiring additional clarification are summarised as follows:

-The LVIA is welcome and shows views from a range of localised receptors including PROW to the north and south of the site, nearby properties and points of public accessibility. The LVIA highlights those views from certain PROW viewpoints that will provide direct views of the proposed development. The layout and planting plan have included indications of planting but it is not fully clear if the planting is part of strategic interventions to help to integrate the development into the landscape. Further clarity would be welcome.

-An appropriately scaled green infrastructure assets and opportunities assessment to inform a green infrastructure masterplan would be welcome. This will highlight wider GI opportunities and inform future management of the site and boundaries to ensure GI habitat and connectivity are maintained and enhanced. For instance it is noted that the western boundary includes Ash trees which may require a short to medium management prescription to manage any decline due to disease and replacement in the context of GI connectivity.

-A landscape planting plan for the proposed site will be required inclusive of the means of protection, plan of new tree planting, specifications including species, size, density and number, cultivation and other operations associated with planting and seeding establishment. The application site includes the access link to Trecastle road. The plan should identify strategic

planting where reductions of visual impact and integration of structures into the landscape are afforded such as planting in association with barn and dwelling linking to LVIA assessment of views towards the site as well as boundary planting that help to reduce intervisibility from nearby PROW and dwellings.

-A landscape maintenance programme for 5 years should be provided to demonstrate how establishment and aftercare will be managed capable of being rolled over on an annual basis thereafter. The programme should also include landscaping associated with access from Trecastle road, access track, brook crossing and SUDs where green engineering may be proposed / incorporated.

-An appropriately scaled and informed green infrastructure management plan should be provided with the application or clearly shown as being incorporated through the OPD management plan. The GIMP will define how GI will be managed to maintain and enhance connectivity and habitat provision.

-To scale cross sections with spot height levels showing the relationship of structures with surrounding ground levels and nearby features would be welcome and to ensure RPZ of existing trees are unaffected.

-Further clarity regarding proposed lighting provision, above that mentioned would be welcome to include description of locations, function, product and light spill impacts and mitigation such as cowls and strategic landscape provision. -Further clarity with regard to the green roof design and management would be welcome to ensure establishment and aftercare is in place. The structures are designed to be set within a cut and fill with green roof assisting with visual integration therefore important to ensure resilience. The proposed change of use from agricultural to One Planet development and development based on the information provided to date and subject to further clarity may not from a Landscape and GI perspective have a significant detrimental impact on the character and appearance of the localised and more specifically the wider valued landscape, provisions of Planning Policy Wales (Edition 11) February 2021 and Policies S13, LC1 and LC5 of the Monmouthshire County Council Adopted Development Plan 2011-2021.

NRW: No objection to the proposed development as submitted. The application site is within the catchment of the River Usk Special Area of Conservation (SAC). However, recognising the specific nature of the application submitted, a composting toilet to be used for foul waste, we are satisfied that it 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. Also, noted the submitted Preliminary Ecological Appraisal by Aderyn Ecology Ltd, along with the following:

- Suitable habitat for hazel dormouse and their presence is presumed. - Several natural roost sites for crevice roosting bats. - Removal of trees will be avoided. - No construction related impacts for hazel dormouse. - No predicted negative impacts on any protected or priority species. As there are no likely negative impacts on any protected species, plus a possible long-term benefit to habitats capable of supporting them, we have no adverse comments to make on the proposals.

5.2 Neighbour Notification

Objections from five households received:-

* Access to the road is extremely dangerous.

* The applicant has owned the land for two years but has no sheep or other livestock that he proposes.

* The applicant lives on a boat in Bristol but gives a Windsor address on the application

* The applicant has his own freelance web design business, and his wife works too. Will this continue, and how will the Council monitor this?

* Has an expert in the science of soil management and crop production been engaged to determine what can be grown on the land?

* 14 acres is probably not enough for the proposed operation; it will considerably affect the amount of livestock they can have on the land, and so potentially heavily affect the applicant's income and costs projections.

* The holding will need a suitable 4x4 vehicle or similar vehicle, as acknowledged by the applicant in the Management Plan, to transport livestock, using the track in bad weather to get out onto the public highway, and general use on the land.

* The second-hand solar panels may not work or generate as much energy as anticipated.

- * Are these projections in the Management Plan expertly checked independently?
- * The use of artificial lighting from the site i.e. the dwelling, composting toilet, workshop is visually damaging.
- * The site can be clearly seen from public vantage points. The proposal is incongruous and visually intrusive within the wider rural landscape.
- * Pre-application planning advice was given to the applicant prior to the land being sold to the applicant by MCC. In the interests of transparency, this application should be referred to the Planning Committee so an open debate can take place.
- * Allowing this residential development in the open countryside will potentially set a precedent.
- * The proposals can be seen from the nearby neighbouring properties and from the nearby footpath.
- * Has an independent Bat survey or a full Environmental Impact Assessment been commissioned?
- * The visibility of the current access is poor.
- * The existing track is not suitable for residential use and the workshop.
- * Had NRW been consulted on the foul proposal/phosphate issue?
- * This is a major development.
- * Business Plan needs to be stress tested by independent third party.
- * The overall plan contains a lot of good theoretical ideas but may not work in reality.
- * The site was sold to the applicant by MCC. Please can full disclosure be made as to what has been promised and what, if any, financial benefit will accrue to MCC if this approval goes ahead.
- * The site is not near public transport and will be highly reliant on a motor vehicle. Thus increasing carbon emissions.
- * The building design is not concentrated, but scattered across the site, which again has a visual impact within the open countryside.
- * To meet the minimum income needs, occupants specifically cannot include other income derived from the site or elsewhere unrelated to land-based activities. The proposer's wife will travel for work (working part time), which will have a negative impact on carbon emissions.
- * The proposed site is located between these two properties of significance i.e. Cadw Site at neighbouring Trecastle Farm Norman Motte & Bailey and also a listed building at Court St Lawrence.
- * The proposal is to sell surplus produce from the land to the local community, however this is already offered by local businesses providing such goods who are all closer to populated areas, and either within walking distance to the populous areas or prominent roadside locations.
- * As mentioned above, this proposal would negatively impact Square Farm Shop, Raglan Farm Shop, Dingestow Stores, Llanishen Village Stores and Neil James Butchers.
- * The soil within the area is heavy clay which holds water. Has a rigorous SuDS assessment been carried out?

One general comment received:-

- * There are a substantial number of assumptions and figures quoted in the Management Plan. I assume that you are engaging independent experts to validate all of these?

Fifteen support letters received:-

- * I work as project manager of Our Food. The project is supported by Monmouthshire County Council, the Brecon Beacons National Park, the Welsh Government, and the Conservation Farming Trust. It demonstrates that it is possible for anyone with courage, imagination and determination to make a good living from producing food sustainably on a small scale for local people.
- * The application fits well with national and local food policies, which increasingly recognise the value of small scale sustainable producers. MCC's Food Development Action Plan has a guiding principle of 'improving diversity and usage of land for food production to improve self-sufficiency whilst conserving and enhancing our natural resources/ one of its initiatives is to create a Strategic Food Partnership – moving towards Monmouthshire as a recognised "Sustainable Food Place".
- * As a former small scale market gardener and organic No Dig growing expert myself, I have experience of selling organic produce locally in and around Monmouth (retired in 2021). I can confirm there is a huge appetite for local produce of all kinds, and such products command a handsome premium.

- * When organic matter and animal manures are well composted, these will feed the soil biodiversity and dramatically improve the site's biodiversity from the ground up. This indirectly produces excellent crop growth.
- * I am particularly impressed by the detailed active travel plan which takes advantage of our quiet rural, roads that will enable safe travel to local amenities in neighbouring villages and Monmouth town by bicycle.
- * As a Chartered Environmentalist sustainable projects like this are not only exciting but showcase modern methods for low impact living.
- * This type of low impact community involved living will become more and more essential over the next few decades.
- * I agree with the principles behind the development and its ecological aims.
- * The concept of one planet living is what we should all aspire to. The project should be granted planning consent; it will inspire others to improve their ecological footprint.
- * The submission is thorough and well researched.
- * This is exactly the type of project that needs to be encouraged to demonstrate how to reduce our carbon footprint and to live off the land in a sustainable way.
- * I am impressed by their commitment to this project.
- * The proposal will provide a demonstration of low impact living and sustainable agriculture that we need for the future.
- * It is vital that projects of low carbon impact, sustainable farming and biodiversity conservation are encouraged.
- * It is believed that the Trecastle Wood One Planet Development will help reduce carbon emissions, contributing towards achieving national climate change targets.
- * The sustainable agricultural systems proposed will improve biodiversity and conservation, with benefits to livestock and wildlife.
- * This application should be used as an exemplar scheme of MCC to follow and utilise to inform future planning policy.
- * The applicants are already active members of community groups, in particular dedicating their time to the Monmouth Town Council working group Action on Climate Emergency (ACE) Monmouth, working locally to respond to the climate emergency over the past two years.

5.3 Local Member Representations

Councillor Mckenna - I have received a number of complaints from local residents about the application (some of which have not raised a formal complaint due to the public nature of the planning portal). I would therefore request that the application is looked at by Mitchel Troy Community Council. Further to this, I would like the application to be considered by the Planning Committee. I visited the site this week and had a near-miss with a motor vehicle when pulling out from the driveway. As you look right there is no visibility because there is a blind bend. I notice on the planning portal that Highways originally objected due to the unsafe nature of pulling out onto the highway. The hedge either side of the driveway is not owned by the applicant and therefore 1) the hedge cannot be maintained by the applicant and 2) the hedge cannot be removed to solve the issue of non-visibility. I notice that Highways wrote their latest report during the Winter/Spring when there would not have been any foliage and the grass verge would have been short. Therefore, during the Summer months the visibility is worse. I would appreciate it if Highways could revisit the site and reassess the situation. I would be happy to meet them on site. Further to my near-miss, I also noticed that there were large skid marks on the road by the entrance. Again, highlighting that this is an unsafe stretch of road to pull out onto. I attach photos below [N.B not included in this officer report]. Residents have raised further concerns, to which I am happy to go into more detail if needed.

Councillor John - After speaking to local residents, as the Ward Member, I wish to raise the following points:

- 1) The access to the site is on a narrow country lane, which is located on a blind bend. It is a dangerous stretch of road (skid marks are visible on the bend) and therefore, there is a high chance of an accident occurring. Has the visibility assessment been done in person or remotely? Furthermore, substantial amounts of mud have been deposited on the road when the applicant has been accessing the site, further increasing the risk of an accident.

2) The applicant has stated that he has an agreement in place with the neighbouring landowner to trim the hedge, however he wishes to keep it confidential. I have learnt from residents that this is not a legally-binding contract; it is solely between the applicant, his wife and the landowner and therefore it is null and void if the land gets sold by either party; that the landowner has the right to terminate the contract with 7 days' notice; and that there is no detail regarding the distance or depth the hedge can be trimmed to. It is worth pointing out that hedges cannot be trimmed during bird-nesting season i.e. March 1st – September 1st. The hedge is in full bloom during this time, which further hinders visibility. Furthermore, what will happen when either party sells?

3) The applicant has told residents that extended family will live at the site. This, along with running a commercial business (increased visitors due to courses such as willow weaving, sheep shearing, selling produce etc) will increase traffic further and therefore increase the probability of an accident at the entrance/exit.

4) One Planet Development guidance says that the site should not be visible. OPD should conserve, and wherever possible, enhance the local environment. This includes biodiversity, cultural heritage and landscape. Buildings, the drive and other structures are not located where they can be recessed into the landscape and stand out in views from public vantage points. The site is clearly visible from both the Lower Raglan Road and Trecastle Road. Furthermore, it can also be seen from the nearby footpath. It is even more visible when the leaves are off the trees for over six months of the year, between October-April. The applicant has carried out his own visibility access statement, which contains information that is not correct. Therefore, this needs to be carried out by an independent specialist. Please can you confirm that this will be done? The site will have a long driveway, polytunnels, solar panels and a dwelling, all of which are obtrusive on the landscape and have the potential to be common features across the beautiful Monmouthshire countryside, therefore, if this application gets approved it will set a precedent.

5) Is a legal agreement in place with the neighbouring landowner not to cut any trees and expose the site further?

6) Has a tree survey been done on both the trees on the applicant's land and also that of the adjoining land owner? The majority of trees that surround the site are owned by the adjoining landowner and therefore the applicant is not in control of them. The landowner could therefore cut them down at any time. These trees provide some screening during the Summer months when the leaves are in full bloom, however, some of these trees have Ash Dieback and will therefore need to be felled, exposing the site even further.

7) Has the business case been stress tested by an independent third party? If so, please can I see a copy of this? Inflation and the cost of building materials have both risen dramatically since the applicant submitted the application. By way of example, the Management Plan contains the following: Build costs: page 242: build costs of the house and infrastructure have been budgeted at £30,000 over 30 years.

8) The business needs to be viable if it is to be the main/sole income of the residents. There is no proof that the business is viable and the predictions appear to be unrealistic e.g. only £300 per year on vet's bills, charging £150 for someone to come and shear sheep when you can buy a fleece for £1.50, £1762 profit from three pigs etc. If the applicant was serious about making this a viable business, why hasn't he already started farming it and proving that it can be profitable? The applicant has owned the land for three years and yet he has not farmed it during this time. MCC needs to be very careful about granting permission to build a dwelling in the open countryside, as this can set a precedent. When applying for an agricultural or rural enterprise dwelling the process is rigorous and you have to prove the business is viable before permission is granted.

The reality is that the majority of new businesses fail, so it would seem highly speculative to grant planning permission off the back of a Management Plan for a business that has not even been created and been run by people who do not have an established and proven track record of running such a business. Of particular note is page 127 of the Management Plan where the applicant says, "If the products aren't selling as well as we'd like, the answer will be to focus on demonstrating the value we provide, not lowering prices...". This would not seem to be an economically sound approach to running a business.

The Management Plan contains a lot of good theoretical ideas but these need to be assessed in the light of the everyday (often harsh) realities of the proposed agricultural activities and the day-to-day challenges faced by agricultural workers (which can be anything from inclement weather conditions, outbreaks of diseases (both in animals and crops and vegetation) to fluctuations in demand and increased costs of production. The recent Amazon Series, Clarkson's Farm, is proof of this.

9) Planning permission was granted for a track towards the proposed site of the dwelling, however, the permission that was granted is for an agricultural track and is not a commercial or residential permission. Furthermore, the drive does not continue all the way to the dwelling and an extension to the drive would need to be sought. It would appear that both permissions need to be applied for. Please can you confirm this? The area is on the edge of an Area of Outstanding Natural Beauty and the residential track would need to be over half a kilometre long. This track is visible from the Lower Raglan Road and Trecastle Road, and therefore will have a permanent scar on the landscape. It is unclear from paragraph 3.8 of the Transport Plan what size of vehicles could safely get down the access track, nor if there are adequate passing spaces given its distance (the original permission was granted for agricultural use, which would of course be relatively infrequent use). One would assume that deliveries will be made on relatively large trucks/lorries.

10) Are the products to be sold on the roadside or from the premises? If from the roadside, this will have safety impact with visibility and has the applicant obtained a legal agreement with the owner of the shared access?

11) Has a SuDS drainage system been approved? SuDS approval is required if the total construction area of development is 100m² or more (including driveways, patios, parking area etc).

12) The applicant predicts that his average yearly spend will be £4600. Band G Council tax alone costs over £3000, therefore, these predictions, whilst taking into account public liability insurance, house insurance, farm insurance, car insurance, car maintenance, car MOT/tax, food, fuel, clothes, mortgage, energy bills, tax, national insurance etc are unrealistic. Since the applicant has submitted the application, energy/fuel costs have doubled and inflation is at 9.1% (the highest in 40 years). The Office of National Statistics states that for the financial year ending (FYE) 2019 (April 2018 to March 2019), average household spending in the UK was £592 per week (£30,784 per year). This would have increased considerably with the increase in inflation and increase in fuel/energy. Therefore, how are the applicant's expenditure predictions realistic? I believe that this needs to be assessed by an independent verifier. Has this been done? If so, please disclose a copy of the report. The applicant predicts that externally purchased food (page 51): that 65% of food will be grown on site yet they have estimated that the remaining 45% will cost £315. This sounds optimistic at best considering the high cost of living and inflation.

13) OPD in the open countryside should not impact negatively on neighbouring communities. The applicant has chosen products which compete with the nearest businesses. How have they engaged with the local community and businesses? The applicant will take trade away from the neighbouring business which offer similar goods (Dingestow Village Stores, Llanishen Village Stores, Raglan Farm Park shop, Square Farm Shop, Neil James Butchers in Raglan, Humble by Nature, Wyldwood Willow etc.). These businesses have been through a tough economic time both during and post-covid. With household budgets being squeezed, this will have an impact on these businesses even further. Competing with them could have a detrimental impact on their profits and viability.

14) Local residents understand that the applicant lives on a house boat in Bath and owns a property in Berkshire. OPD guidance says that this should be their only residence. Are the applicants therefore selling these properties? If their extended family plan to live on the site are they also subjected to selling any property they may own? Otherwise, rental income is additional income which is not derived from the land.

15) OPD Guidance states that the main income should come from the land. Local residents understand that the applicant and his wife are a web designer and an adult education team manager, respectively. Are they therefore giving up these jobs?

16) Page 45 of the Management Plan says that the site will provide the applicants minimum needs in terms of income but the Transport Plan says that one of them will work 3 days a week. How does this fit with the OPD requirements? What visibility would MCC have over actual income e.g. bank statements? The applicant states that his wife will continue to work in Bristol, which is a 60 mile round trip. Travelling such a distance is not eco-friendly and will increase carbon emissions. There is no public transport in the area. The applicant should have a low ecological impact lifestyle according to the OPD footprinting framework, but travelling such a distance on a frequent basis increases carbon emissions which impacts on climate change and therefore ecology.

17) How will the applicant reduce the need to travel? I applaud the applicant for stating that he will use active travel and that he will walk his child(ren) to nursery every day, twice a day. However, is

it realistic to walk a 3-4 year old child a three mile round-trip every day (and the applicant 6 miles if there and back for drop-off and pick-up), especially during the wind, rain and Winter? Public transport cannot be prioritised in any form because there is no public transport in the rural community of Llangovan.

18) I was interested to learn that the proposed OPD site was actually sold to the applicant by MCC. The applicant indicates that he has been given positive messages regarding the likely approval for the OPD. Please can full disclosure be made so as to what has been promised and what, if any, financial benefit will accrue to MCC e.g. by way of overage/uplift clause if this approval goes ahead? I understand that the imposition of an overage is standard practice within MCC and is often around 30-40% over a 25 year period. Indeed, the neighbouring landowner who bought the remainder of the land at a similar time is subject to such a clause.

19) What will the Section 106 contributions be? This is to benefit the local community.

20) Should there have been a public consultation for a scheme of this size? It involves three applications – an agricultural track, a sheep shelter/bridge and a dwelling.

21) Residents have raised concerns that there has already been a large amount of rubbish on the site, ranging from a caravan to a 4x4 to plastic. Is this to continue and get progressively worse once the applicant starts farming? If so, this will have a visual impact on the landscape.

22) Have soil tests been done on the land? I understand that much of it is either heavy clay or reeds, neither of which are suitable for growing crops such as wheat, as the applicant proposes. All of the production figures quoted and assumptions made in respect of yields etc in the Management Plan need to be benchmarked against what is achievable on this particular site, taking into account its soil characteristics and aspect. An agricultural land classification prediction for the site needs to be carried out.

23) There is a Cadw site next to the site and a listed building, both of which are visible from the site. Has Cadw been consulted on the impact the site will have on the setting of the Cadw site and the listed building?

24) There is no water on site. The applicant proposes to use rainwater and the stream. Will this have a detrimental impact on neighbouring farmers? The stream starts a few hundred metres from the site, so there will not be a large amount of water anyway. If this water is taken to water crops, feed animals and serve the dwelling then there will be little or no water for farmers further down the stream to feed their animals. What happens during dry spells when there is no rainfall and the stream runs dry and rainwater cannot be collected?

25) The applicant proposes to have chickens; however, these are known to produce high proportions of phosphates. With a watercourse on the site, how is this being protected?

26) Has a sewerage consultant/NRW been consulted on business waste, visitor waste, domestic waste and human waste?

27) The applicant wishes to use solar and includes some projections in his Management Plan. Has an independent expert done an assessment to determine whether the area is suitable for solar to generate sufficient capacity to service both a dwelling and outbuildings?

28) If permission is granted for this OPD, what resources do MCC have to monitor the milestones that need to be met to carefully assess whether or not it is successful over a 5 year period?

29) The nearby Llangovan church has a colony of rare bats. Has a bat survey been done and what impact will the OPD have on the rare bats and other ecology?

30) The site is positioned in an ecologically sensitive area, of high ecological value which is on the edge of the AONB. Bats, owls, doormice, red kites, newts, toads/frogs, badgers, deer and wild boar are all known to use the area as their habitat. Has a Preliminary Ecological Assessment (PEA) site survey been done and how will these species be protected?

31) Is the proposed dwelling to be tied to the land?

32) Whilst the Management Plan does contain an Exit Strategy in the event that the OPD fails, the reality is that significant excavation work would already have been undertaken in the open countryside which would be hard to remediate. The carbon footprint to create the infrastructure would be significant and no doubt unwind it too if that was necessary. What will happen to the site if the business fails? Will the applicant have the opportunity to apply for change of use or will the site be put back to its original state?

The essential characteristics of OPD Paragraph 1.9 of the Guidance that OPD's must:

- Have a light touch on the environment.
- Positively enhance the environment wherever possible through activities on the site.

- Be land-based – the development must provide for the minimum needs of residents in terms of food, income, environment and waste assimilation in no more than 5 years.
- Have a low ecological footprint.
- Be bound by a clear statement that the development will be the sole residence for the proposed occupants.

After engagement with local residents and reading through some of the information on the Planning Portal, I do not feel that this application meets the requirements of the OPD Guidance. Therefore, I cannot support this application for approval.

Cllr Jayne McKenna is on the Planning Committee and therefore wishes to express that she has to keep an 'open mind' on the application.

The submitted information can be read in full on the Council's website:

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

6.0 EVALUATION

6.1 Assessment of OPD Proposal

The essential characteristics of OPD are laid out in paragraph 1.9 of the Guidance, in that OPDs must:

- Have a light touch on the environment
- Positively enhance the environment wherever possible through activities on the site
- Be land-based - the development must provide for the minimum needs of residents in terms of food, income, energy and waste assimilation in no more than five years
- Have a low ecological footprint - the development must have an initial ecological footprint of 2.4 global hectares per person, or less with a clear potential to move to 1.88 global hectares per person over time - these are the Ecological Footprint Analysis benchmarks for all One Planet Development (para 2.11)
- Have very low carbon buildings - these are stringent requirements, stipulating that buildings are low in carbon in both construction and use
- Be defined and controlled by a binding Management Plan (MP), which is reviewed and updated every five years
- Be bound by a clear statement that the development will be the sole residence for the proposed occupants.

As explained in Paragraph 1.10 of the Guidance, to meet these essential characteristics residents of OPDs have to live quite differently (much more sustainably) than what is considered normal in the 21st century. OPD therefore is not just describing a physical development. It is describing a way of living differently where there is a symbiotic relationship between people and land, making a reduction in environmental impacts possible. The management plan for a OPD, therefore, describes both the nature of development and the way of life that will be pursued in association with that development.

OPD is a unique application. Therefore, to ensure that this application has been thoroughly examined, Monmouthshire County Council commissioned an OPD specialist, TerraPermaGeo (TPG), to conduct an independent appraisal of this application, reviewing the applicants' Management Plan (MP) and additional information provided by the applicants.

There are a number of issues that apply directly to the consideration of this OPD and these are addressed in turn. The broader planning issues are addressed below this.

6.1.1 Minimum Needs and Land-based Activity

Planning Policy Wales PPW introduces the notion of provision of minimum needs for income, food, energy and waste assimilation:

A OPD located in the open countryside should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than five years from the commencement of work on the site. TAN6 repeats the requirement in PPW and then also requires that inhabitants' requirements in terms of income, food, energy and waste assimilation

can be obtained directly from the site, and land use activities proposed must be capable of supporting the needs of the occupants.

The independent OPD assessor advised that the matter of minimum needs is an important and complex part of OPD projects. There is ambiguity in the OPD Practice Guidance and variation in the handling of this matter in OPD Management Plans and appeal decisions. However, the OPD guidance recognises that it is not feasible for all the food needs of the occupants to be produced on sites in Wales but expects that realistically a OPD site should be able to produce at least 65% of basic food needs, either grown or reared on the site, or purchased or bartered using income or surplus from other produce grown or reared on the site. Also, from their 10 years of experience of working on OPD projects, across a sample of nine OPD Management Plans that the assessor has been involved with, it is noted that although the minimum requirement is for 30% of food to be directly grown and reared on site the average figure is actually 54%. This indicates that in any case there is a strong incentive to grow more food than the Guidance requires. Additional food being bought averaged 32% of the Ecological Footprint, showing that food is a major part of Footprint and so a very effective way to reduce this is to grow food on site. Also, all nine cases would have been able to provide enough income to meet the 100% interpretation even though some adopted the 65% interpretation. On-site income sources are favoured, probably because of the focus on the site OPD requires.

The other minimum needs which require funding from the productive capacity of the site are clothes, travel, IT / communications and Council Tax. The applicants have laid out the items that comprise their minimum financial needs are estimated as £4,612. Alcoholic drinks and eating out do not form part of the minimum food needs as they are luxury items. The applicants have also made allowance for the costs of feeds required for their domestic animals, which will require supplementary feeding. In addition to the domestic production the applicants plan to have a commercial chicken egg venture and to produce a small number of pigs for sale. The business plan was examined and concluded that under a plausible scenario the site should be able to generate an income exceeding the higher appraised minimum financial needs of the household. In addition, the total land-based income from the site including any ancillary income will exceed the £6,023 which would be required to meet all of the minimum financial needs laid out above and the remaining last 35% of food purchases, which is considered to be best practice for a robust management plan. They also confirmed that the financial minimum needs figure for the project once implemented will vary from year to year and be calculated from the information provided to the Local Planning Authority for monitoring purposes and compared to the income generated from the enterprise.

6.1.2 Minimum Food Needs

There is a reasonable indication of the applicants' existing food needs in the ecological footprint analysis (EFA) data at first habitation. The figures stated in the EFA appear reasonable and plausible based upon comparison with Office of National Statistics average household spend on food categories and allowing for adjustments and considerations to account for differing diets and the quality of food purchased. The applicants have trialled vegetable growing on the site and shown a broad range of vegetable foodstuffs. The applicants will be producing a range of livestock for sale which will provide meat and eggs and incidental surpluses for domestic use. It is considered that the scale of the domestic horticultural system proposed would be capable of providing fruit and vegetables for a family of four based on the assessor's experience of similar systems and published data (WHO and DEFRA). The applicants have described their proposed systems for preserving foods through different times. According to the figures from the submitted EFA, the food purchase requirements of the household are likely to be around £1,410 in addition to the production on site. The value of food to be produced is estimated to be £2,951 (67% of total) which is acceptable.

6.1.3 Domestic Horticulture

The applicants' aim is to produce vegetables and fruit to meet their domestic need. They propose 250m² of outdoor beds and 134m² of sheltered cropping in two polytunnels and two lean to greenhouses. In addition to this, longer term there will be substantial areas of orchard and perennial crops and various other field crops and grains produced as part of the silvopasture system though much of this production will be beyond the first five years of the project. They have

not relied upon this perennial production to meet their needs in the first five years. It is accepted that yields vary across different systems and different crops and different crops contribute differently to overall nutrition. As a guide, sheltered cropping can often have higher yields than these averages. To conclude, the production proposed would, in all probability, have the potential to generate sufficient vegetables, herbs and fruit for the household. The applicants recognise that production is seasonal and yields can vary and crops fail and have described in depth how they will preserve and store foodstuffs to allow them to be used at times of lower production i.e. suitably stored unsold animal products in freezers such that sales can be spread through the year increasing the likelihood of maximising the income per animal.

6.1.4 Livestock and Poultry

Ducks will be used to assist with pests within the vegetable production and their eggs will contribute to the domestic diet. Chickens will be kept commercially for eggs and as birds are replaced they will be used as the main source of meat to feed the household. Pigs and sheep will also be kept as part of the business activities and to assist in managing the wider site and surplus pork and lamb would also be available occasionally to feed the household.

6.1.5 Other production

Honey bees will provide honey, wax and propolis. This will contribute towards the domestic food requirements. Although not as part of the food needs contribution, experimental small-scale oats growing will take place within the agro-forestry system, principally to provide additional feeds for the animals.

6.1.6 The Business Plan

The principal income-generating activity proposed from this site is producing animal products from a silvopasture agroforestry system and willow products including adding value to willow from the site by basketry. A silvocultural agroforestry system if well implemented this system will produce increased incomes and better livestock yields over time. The income streams will be sheep, chicken eggs, pork and willow products. Further income streams will be generated by courses based upon sharing the experience of the land management systems on the site; the suggested figures have been analysed i.e. the worst and mid case scenarios for their projections. It is considered that due to the mixture of activities proposed which gives greater resilience to the overall income as many income strands would have to fail simultaneously to make this project unsound. The expert assessor concludes that based on the land-based enterprises proposed, it can plausibly support their minimum financial needs and that it is likely that the income from all activities will exceed this.

6.1.7 Markets and Market Research

Produce is intended to be sold through a range of routes. The applicants intend to start with a stall at local farmer's markets and will practice innovative sales techniques like selling meat vouchers to pre sell meat looking to minimise costs of sales. The sales projections are supported by a survey which the applicants have circulated to local sustainability groups and people who have expressed an interest in the project as well as their 'Farming Connect' mentor who has run a similar business for fifteen years. Also, by partnering with a nearby Community Supported Agriculture (CSA) to facilitate an offering of meat and eggs alongside its core vegetable box deliveries and they aim to develop a network of shops which they can sell eggs to. These are as yet aspirational routes to market but demonstrate that the applicants are seeking to add diversity into their markets for increased resilience.

CSA, referred to earlier, is a partnership between farmers and consumers in which the responsibilities, risks and rewards of farming are shared. In addition, the applicant is working with other small local producers and One Planet Developments to create a local 'Our Food' network which will provide both an opportunity for low waste local food purchases for the household and a path to reach other local people to buy the produce from the OPD. This aspect has the support from the project manager for the 'Our Food' project which is supported by MCC, the Brecon Beacons National Park, the Welsh Government and the Conservation Farming Trust attests to the local demand for food from small scale local producers. It is considered that the applicants have reasonably explored the potential for marketing their animal products. Therefore, the projections are considered to be plausible.

Different varieties of willow will be planted on the site and the withies harvested from these will be used to make basketry and other willow products by year five. The applicants have training in weaving but have no record of production to base sales predictions on. Willow products will be sold through craft fairs and online. Independent research shows that the sales volumes and likely prices could be achieved. Further income streams will be generated by educational courses based upon sharing the experience of the land management systems on the site and teaching weaving, linked to the willow production. The assessors have the experience of dealing with other OPD projects and have confirmed that there is a demand for this sort of hands-on training based on the lived experiences of OPD practitioners.

6.1.8 Requirement for Occupants

The essential criterion for occupants is that: The number of occupants is directly related to the ability of the site to support their minimum food and income needs and the number of people needed to run the site effectively. This is a single household proposal. The minimum needs appraisal and business planning suggests that the plot is of sufficient size to support both the domestic production and the requirements of the OPD business proposed. The applicants state their intention to start a family and this has been considered this within their assessment of the OPD. The Council's independent assessor has concluded that the labour input to successfully manage this project will be in excess of one person's full-time input. The criterion is therefore satisfied.

6.1.9 Sole Residence

The applicants confirm that the site will be their sole residence. This criterion is therefore satisfied.

6.1.10 Habitats

In tandem with living mainly from the land it is also required that the OPD should conserve, and wherever possible, enhance the local environment. This includes biodiversity, cultural heritage and landscape.

Overall, the conservation and enhancement of habitats has been addressed in the Management Plan and in the preliminary ecological assessment (PEA) report. The PEA report produced by Aderyn Ecology states that,

'There will be no loss of priority habitats due to the proposed development.

There are no predicted negative impacts on any protected or priority species, and further species surveys prior to the proposed construction are not considered necessary. There are no predicted negative impacts on nearby SSSI/ SAC sites. There is no predicted risk of harm or injury to nesting birds during construction. It is predicted that the overall biodiversity of this site will be increased in the long term, with benefits to a wide range of species groups including breeding birds, pollinating insects, amphibians, hazel dormouse, bats and plants.'

Appropriately worded conditions will be imposed to safeguard foraging/commuting habitat of Species of Conservation Concern. This criterion is therefore satisfied.

6.1.11 Landscape

A OPD is expected to have a positive landscape impact. The applicants have submitted an informal Landscape and Visual Impact Assessment document accompanying the Management Plan. The LVIA was prepared by the applicant but noted that it was approved by Bronwen Thomas a registered landscape architect. The Council's Landscape Officer finds the development proposal acceptable subject to further information i.e. additional clarification around the specifics of the proposals and longer term maintenance, which can be secured via appropriately worded conditions. The assessor considered that the LVIA provides suitable photographs of views into the site from key viewpoints which form the baseline information for future assessments of landscape impact – these were assessed on site and would broadly concur with this assessment. Also, it is noted that the traditional features such as hedges and woodlands and veteran trees will be conserved and the existing dew ponds will be restored. A 300m of native hedgerow has been created in 2020 and lines of trees will be introduced following the contours of the land creating a wood pasture which will include orchard trees. The planting is laid out within the LVIA and will

have the effect of introducing what will appear to be an increased area of woodland across much of the site. A mosaic of woodland and pasture is the characteristic of the local area.

It is acknowledged that part of the site is visible from the wider area, the proposed buildings i.e. the dwelling house, the workshop, the cruck barn, the greenhouse, the polytunnels and the root cellar have been located where they are screened from most views, and they will be cut into the slope to minimise their impact. For OPD, the essential criteria for landscape are: the landscape of the site is enhanced by the addition and traditional management of characteristic or once characteristic local landscape features that, amongst other things, may be used to screen and filter views to built elements of the proposals and to provide shelter and screening to horticultural areas. Buildings and other structures and access tracks are located where they can be recessed into the landscape and do not stand out in views from public vantage points. Therefore, these criteria are considered to be satisfied.

6.1.12 Cultural Heritage

To the north of the site (some 300m), there is the Old Trecastle Farmhouse (a listed building) and the Trecastle Motte and Bailey (a scheduled monument). There are nine other Listed Buildings within 1500m of the site. However, due to topography all of these assets have no direct interaction with the site. Also, there are no historic assets identified directly in relation to the proposed development, nor within the site. This criterion is therefore satisfied.

6.1.13 Energy

It is an essential characteristic of a OPD that use of energy and water is minimised, and that renewable sources are used. The applicant proposes to build a dwelling that complies with Building Regulations. The applicant has not presented a SAP calculation for their proposed home. They make an assessment of energy need based upon the performance of a 130 m² A-rated house under the Irish Building Energy Rating system. The rating system covers energy use for space heating, water heating, ventilation and lighting. However this assessment is based upon the assumption that the building will be constructed to this level of efficiency and does not provide proof that the design proposed will do so. It is intended that the dwelling will meet Building Regulations and having reviewed the existing mature woodland on the site, along with additional planting of trees by the applicants in relation to the OPD, it is plausible for the site to provide sufficient firewood to meet the heating and hot water energy needs of the applicants. The barn and workshop will have their own independent small PV systems for lighting and charging and they have allowed for additional chest freezer space for the storage of farm produce prior to sale.

A 4.5 kW PV array is proposed. The European Commission's Photovoltaic Geographical Information System off grid PV simulation tool has been used to demonstrate the performance of the array through the year. The simulation shows that the array should generate adequate energy. The applicants have provided a simple assessment of the energy needs for agricultural equipment that will require to be met with fossil fuels. They also note that they will utilise battery powered tools where possible and reclaimed vegetable oil will make up a proportion of the fuel use for the site vehicle. The essential criteria for energy are that: the energy needs of the site will be minimised through suitable design and use of technology, including that which enables re-use. All the energy needs of all activities shall be met from sources of renewable energy on site, with the exception of small amounts of non-renewable fuel for particular uses for which they are best suited and justifiable.

It is considered that the information provided demonstrates that this criterion is satisfied.

6.1.14 Water

The essential criteria for water are that: The water needs of the site will be minimised through suitable design and use of technology, including that which enables re-use. Rainwater harvesting from buildings and structures must be maximised. All of the water needs of all activities should be met from water available on site, unless there is a more environmentally sustainable alternative. Abstraction from water bodies (including groundwater sources) must be at levels that do not cause environmental harm. Harm would result from the lowering of surface and ground water levels.

Water is available at the site as it is bounded by two streams. However, to minimise water needs, roof water will be collected from the roof of the barn and channelled to a 10,000 litre harvesting

tank for storage for the OPD. The submission includes good assessments of the demand for water against the likely rainfall and the storage available to ensure there will be sufficient supply. The assessor agrees that there is sufficient rainfall to potentially supply the water needs of all activities on the site, provided that sufficient storage is in place. The submitted Management Plan shows how sufficient storage will be provided and is considered to be realistic. These criteria are therefore satisfied.

6.1.15 Waste

It is required that a OPD assimilates its wastes on site in sustainable ways, unless they are small amounts of unavoidable non-biodegradable and hazardous wastes. The essential criteria for waste are that: All biodegradable waste produced on site is assimilated on site in environmentally sustainable ways. The only exception to this is occasional off-site disposal of small non-biodegradable amounts of waste, which cannot be assimilated on site which arise from things used on site wearing out or breaking irreparably. All waste handling and assimilation on site must comply with Environment Agency (in Wales - Natural Resources Wales) guidelines.

The applicants would repair and reuse damaged items. All these practices reduce the wastes to be managed to a minimum. All organic business waste, domestic food waste and human waste are all able to be processed on site via a number of composting systems. Human waste will be composted in a purpose unit which will separate urine from faeces and meet the criteria for an acceptable system under the current NRW position statement on composting toilets. Wastes not able to be dealt with on site, will, if appropriate, enter the local municipal recycling and disposal stream. The monitoring section of the Management Plan states that they will report on whether all waste handling and assimilation on site has complied with NRW guidelines. Given the above, the criteria are satisfied.

6.1.16 Zero Carbon Buildings

The applicant has followed the approach set out in the Guidance by demonstrating that the dwelling will meet the requirement of zero carbon in construction as described by the Code for Sustainable Homes (CfSH), Category 3, which examines the materials utilised for five key building elements; roofs, external walls, internal walls, floors and windows. The applicants have submitted a CfSH Materials Report prepared by Sureline Design Services which demonstrates that the proposed dwelling meets this requirement. A preliminary SAP assessment has been submitted detailing the energy demand of the building and demonstrating the predicted CO₂ emissions are negative demonstrating the proposals will be zero carbon in use. The proposed dwelling will require Building Regulations approval prior to commencement.

There are seven ancillary buildings proposed. These small buildings would be agricultural or be constructed from locally sourced and reclaimed materials and all except the workshop, which is constructed with similar materials to the house, will be unheated. These are considered to meet the zero-carbon requirement of policy. The essential criterion for 'zero-carbon' in construction and use is that: domestic and ancillary buildings will be 'zero carbon' in construction and use, as explained in this guidance and using the up to date Welsh definition of zero carbon. This criterion is therefore satisfied.

It is acknowledged that the applicants intend to construct the dwelling, workshop and barn with reclaimed roof materials, flues, windows and doors and therefore the exact appearance of these structures may vary from that presented in the application drawings. They have requested that a condition be drafted to allow for this variation. This thrust of this development is to provide a building that is natural and rustic in appearance; it is understood that the buildings will be built by the applicant, who is not a professional builder. A modest deviation from the drawings can be accepted in this instance.

6.1.17 Capable of Removal with Low Environmental Impacts

The essential criterion for buildings being capable of removal with low environmental impacts is that: all structures identified for removal in the Exit Strategy are capable of removal with low environmental impact. Every OPD has to have an acceptable exit strategy where all structures identified for removal in the Exit Strategy are capable of removal with low environmental impact. The applicant proposes that all the structures including the house could remain on the site and be

reused as agricultural buildings subject to the agreement of the Local Planning Authority. To facilitate this all domestic fittings would be removed and internal walls would be removed as required. The applicants have presented a sketch drawing demonstrating how this would be achieved. If the re-use on site is not agreed by the LPA the applicants also lay out how the structure can be removed either to be re-used as a building elsewhere or with various materials being made available for re-use. Paragraph 5.13 of the Guidance states that... new agricultural buildings and tracks may benefit the land if restored to its previous use and therefore may be suitable for retention. Thus, this criterion is therefore satisfied.

6.1.18 Community Impact

OPD in the open countryside should not impact negatively on neighbouring communities. Positive impacts should be encouraged and negative impacts mitigated. The applicant will provide ethical low carbon food and products (which is different from products that are currently being sold by the nearby farm businesses and shops) to the local community and support the local economy as producers and consumers. They intend to work cooperatively with other local producers via the "Our Food network". The applicant has already engaged with the Action on Climate Emergency Monmouth working group and helped organise the Monmouth Climate Future Festival 2021. They will contribute to educational activities aimed at inspiring people to reduce their impacts to address carbon reductions. They are also contributing to the Monmouth Green Spaces group. Also, they plan to offer one free annual event to the local community on the OPD project and work with local schools and organisations such as the brownies. The applicant intends to assist in Research, information gathering and sharing as One Planet living and many of the agricultural techniques proposed to be used on this OPD are areas of active research within the scientific and agricultural community. Therefore, this criterion is satisfied.

6.1.19 Transport

A simple Transport Assessment and Travel Plan is submitted for consideration, it gives the detail of the calculation of journey numbers and an indication of the breakdown of journey types anticipated. In addition, a 'trips calculation' spreadsheet for the appraisal shows modal split and details of sharing, and includes an assessment of the mileage likely under each trip. The OPD assessor acknowledges that it is not a formal independent assessment but it is transparent. The essential criteria for transport are that: the management plan must be accompanied by a Transport Assessment and Travel Plan (which may be combined).

Overall the development should achieve a significant reduction in transport impacts from all activities on site (residents, enterprises and visitors) in comparison to what would be the 'norm' for such activities. There should be detailed monitoring of all trips to and from the site in terms of purposes, distances, modes, and any transport sharing. Also, the guidance states: There should be detailed monitoring of all trips to and from the site in terms of purposes, distances, modes, and any transport sharing. It is noted that car travel by the applicants for both domestic and business purposes is estimated to be a maximum of 7,027 miles (2,342 miles per capita for the predicted family of three) per year. This information is compared to various sources such as the DfT statistics 2019 state that residents of rural town fringes travelled an average of 7,353 miles each per year by car as drivers and passengers. Nationally registered cars travelled an average of 7,400 miles per year per vehicle in 2019. This compares to the ONS average reported mileage per year in Wales (2016) of 4,044 miles driven per person, or residents of rural town fringes who travelled 4,863 miles per year per person in a car. Given the above, it is probable that the proposals will generate significantly lower than average transport impacts.

The Management Plan states that there will be monitoring of trip numbers and mileage for the family's domestic travel. The applicant states that the monitoring statement will include travel to and from the site for all purposes including business and any visitors and include the distance travelled, modes and detail any car sharing. This criteria is therefore satisfied.

6.1.20 Ecological Footprint Analysis

The household has utilised the OPD EFA tool to examine their probable ecological footprint upon first habitation on the site. The OPD assessors utilised an updated version of the OPD EFA tool11 to analyse the figures provided by the applicants in their application. The applicants have included an allowance for the costs of animal feeds for the production of eggs for domestic use. The OPD

assessors advised that the current per capita Ecological Footprint of the household on first habitation to be 3.41 global hectares per person (gha). This is slightly lower than average for a UK household utilising this tool. The estimated footprint at year five is likely to be between 1.71 to 2.38 gha depending upon the growth of the family i.e. this has the effect of dividing the impacts of the household by the number of members in the household. The per capita impact would increase over time as the child gets older. The assessment was based on the OPD as a two-person household at year five but it is still likely to meet the target in the guidance. The OPD assessor advised that the submitted information appears to be fair and reasonable. Therefore, it is plausible the project will result in a per capita Ecological footprint of less than 2.4 gha as required. The accounting for other footprints also appears fair and reasonable. Impacts from social visitors, volunteers and impacts from the business activities have been identified. Business travel is considered and is low. The provision of local produce and products is a valid benefit. The criteria are therefore satisfied.

6.1.21 Implementation

A programme for implementing the OPD on the site is provided. It shows the OPD will be fully established' by year 5 with the buildings and infrastructure complete providing the applicants food needs from the site and generating sufficient income to meet the applicants' minimum financial needs. The requirements of the Guidance are therefore satisfied.

6.1.22 Monitoring

The Management Plan contains sufficient baseline data and information which should aid on-going monitoring. The outline time line for implementation of the project is sufficiently clear. Transport monitoring will meet the criteria laid out in the OPD practice guidance. This will include the distance (mileage) travelled for domestic and business travel for any vehicles including public transport. The monitoring form shows that the purchases of any foods not produced on the site will be recorded which in conjunction with the expenditure figures presented in the EFA will enable a calculation of the minimum financial needs of the household to be assessed. The monitoring proposed is considered satisfactory.

6.1.23 Exit Strategy

Non-fulfilment of one or more of the essential characteristics of OPD the open countryside (par.1.9 of the Practice Guidance) over a period of two years without instituting clear and effective measures to address the identified problems would constitute a 'failure of the site as a whole'. In this scenario the exit strategy would be enacted. The submitted exit strategy is clear. Details of how the dwelling could be removed is provided. The applicants undertake to remove the dwelling structure if a suitable alternative use for it cannot be agreed with the Local Planning Authority. Agricultural buildings would remain on the site for re-use. The OPD assessor has advised that the site would be in better condition than before the development in that the site would be likely to contain increased tree cover with restored ponds. Access will also have been improved. Therefore, the exit strategy is in line with the Guidance and is considered acceptable.

6. 2 Design

The buildings have been grouped together on the site as advised in planning policy, and functionally linked. The site is surrounded by planting and coppicing that is to be maintained in accordance with the submitted Management Plan, as well as delivering a yield required for the OPD this also softens the development enabling it to assimilate into the local landscape. This will be complemented by additional landscaping secured by conditions as advised by MCC's Landscape and Green Infrastructure Officer. The form and design of the buildings are simple and functional, reflecting the need to meet the OPD carbon objectives, and would be built with sustainable natural materials that result in a bespoke appearance. It is acknowledged that this site is partly visible within the local landscape and vantage points but the resulting visual impact upon this part of the open countryside is considered small, a view that was shared by the both the Council's Landscape and Green Infrastructure Officer and the independent OPD assessor. It is considered that the development is a clear reflection of good sustainable design and complies with planning policy i.e. LDP policies DES1, LC1 and LC5.

6.3 Green Infrastructure and landscape

The Council's Landscape and Green Infrastructure Officer has no objection to the application subject to suitably worded conditions being imposed. It is considered that the site would be in better condition than before the development as the site would be likely to contain increased tree cover, restored ponds and access will have been improved. Therefore, LDP Policy G1 is satisfied.

6.4 Energy

This element has been assessed in full detail as it is an intrinsic requirement of a OPD. The assessment has demonstrated that it is land-based and can provide for the minimum needs of residents in terms of food, income, energy and waste assimilation in no more than five years. It has also demonstrated that there is clear potential to move to 1.88 global hectares per person over time, which is the Ecological Footprint Analysis benchmarks for all OPD.

6.5 Historic Environment

The site is not within a Conservation Area or the Wye Valley Area of Outstanding Natural Beauty. There are no historic assets identified directly in relation to the proposed development, nor within the site. It is acknowledged that there are historic sites nearby i.e. some 300m away but these (or their setting) would not be harmed by the proposed OPD.

6.6 Biodiversity

NRW have concluded there is no likely adverse effect on the SAC as a result of the proposed works and the OPD would provide biodiversity net gain. Appropriately worded conditions are proposed i.e. a construction environmental management plan and lighting, to be agreed. Therefore, the proposal complies with relevant planning policy (LDP Policy NE1).

6.7 Impact on Amenity

There are no neighbouring properties within close proximity of the site. Therefore, no significant impact on amenity is anticipated.

6.8 Highways

There is no objection from the Council's Highways Department. They acknowledged that the site is off a small rural road at the national speed limit, however vehicle speeds will be lower due to the conditions and layout of the road. Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that the local highway network has sufficient capacity to accommodate the additional traffic flows from the development. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time AM and PM traffic flows, and therefore the proposal is not considered to have any detrimental impact on highway safety.

The Highways Department had highlighted that the current surface by the access point is not preventing debris from entering the public highway. Although it is not objectionable, they would like to see a scheme that would overcome the concerns. The access is shared with the owners of the adjacent fields. The applicant has liaised with the adjoining farmer and it is proposed to extend the area of permeable 'Ecogrid' surfacing to the north of the entrance point, which is acceptable.

There are neighbour concerns over the lack of visibility at the access. The applicant has confirmed that a private agreement is in place between themselves and the adjoining land owner that the applicant can trim the hedgerow and vegetation close to the shared accessway at the entrance to allow visibility for vehicles entering and exiting the shared accessway to be improved as required.

6.9 Planning Obligations

This is an OPD application; it is unique and is tailored specifically for the applicants. Therefore, a legal agreement is required prior to issuing a planning decision, ensuring that the dwelling shall at all times be the sole residence of the applicants in relation to this OPD application.

6.10 A response to objections

The objections and/or the concerns received from the consultation have been addressed in the relevant sections this report. Below are further clarifications of the objections/concerns raised.

Access and visibility – the initial concerns raised by Highways have subsequently been addressed; the applicant shares the current access with the farmer who owns the adjoining fields. The applicant was not responsible for the mud that was being brought into the highway from the shared accessway as the access is shared with a working farm. However, it is in the interests of the applicant and the neighbouring farmer to minimise debris entering the highway, and the applicant has agreed to extend the area of permeable 'Ecogrid' surfacing to the north of the entrance point, which is accepted by the Council's Highways Department.

Hedge and visibility – a private agreement is in place between the applicant and the adjoining land owner that the applicant is able to trim the hedgerow and vegetation close to the shared accessway at the entrance to allow visibility for vehicles entering and exiting the shared accessway to be improved as required. This agreement to trim the hedgerow benefits both the applicant and the owner of the hedge with whom the accessway is shared. However, this agreement to trim the hedgerow is not the only way to improve visibility. The owner of the hedge has a duty to maintain the hedgerow for the safety of traffic. Also, there is no objection from the Council's Highways Department in relation to the (lack of) visibility at the access.

Traffic movements increased - the OPD application includes provision in the calculations for the two applicants starting a family. The applicant's assessment considers all travel to and from the site including guests. The OPD application makes no provision for extended family living on site, and this is not the intention of the applicants. This element was also assessed by the Council's Highways Department and they advised that whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that the local highway network has sufficient capacity to accommodate the additional traffic flows from the development.

Visibility of the development – The OPD practice guidance does not state that 'the site should not be visible', it states that dwellings and structures should 'not stand out in views from public vantage points'. The fact that the site is visible, per se, from the wider landscape is not a basis on which to refuse the proposal. The submitted LVIA was produced by the applicant but was independently assessed i.e. by the Council's Landscape and GI Officer and by the OPD assessor, and the conclusion is that the proposal is acceptable in landscape terms.

Trees - The trees on site were assessed in the Preliminary Ecological Appraisal/ Extended Phase 1 Habitat survey undertaken by Aderyn Ecology Ltd. MCC's Ecologist conducted a site visit and confirmed that the level of survey and assessment (by Aderyn Ecology Ltd) is considered proportionate to the nature and scale of the application and that there is no objection to the proposed development, subject to planning conditions. The most significant areas of established trees are on the banks of the streams. The streams define some of the boundaries of the application site and trees on the opposite banks belong to a local farmer. The applicant has specified that the trees for which they are responsible will be responsibly managed, preserving screening value and biodiversity benefits. Significant numbers of new trees will be planted as part of the proposal and their management will be agreed with MCC in the Green Infrastructure Management Plan (GI MP); this will form part of the condition. There is no legal agreement in place regarding neighbouring farmers cutting trees on their own property, and no indication that such an agreement is required. The GI MP will safeguard the visual integrity of the tree lined boundary in the event the neighbour does cut trees in the future.

Business stress testing – this application has been independently stress-tested, under a range of scenarios, by a specialist firm, who have significant working experience in the OPD sector. The OPD practice guidance (3.29) explains that the Management Plan should contain 'projections of the anticipated income'. It is neither stated nor implied that applicants should already be running the land-based activities. The OPD practice guidance does not stipulate that the land-based business must be the main/sole income of the residents. The independent OPD assessor has considered product pricing and the marketing strategy and has no concerns about the approach proposed.

Agricultural track not suitable for a commercial or residential use – the proposals will utilise an existing agricultural track (previously approved) and there is no objection from the Council's Highways Department.

Location of sales – The applicants will be selling at farmers markets, shops, working collaboratively with local CSAs to share delivery routes and finding alternative markets through the Sustainable Food Places partnership. It contains no plans to sell by the roadside or have a shop on site.

SuDS – the Lead Local Flood Authority and SuDS Approval Body were consulted on the application. They have specified no objection to the proposed development. The proposal will require SuDS approval. The applicant is aware of the SuDS requirements and this is a separate process from that of a planning application. The applicant is aware that they will require a SAB consent before construction of any of the proposed structures begin.

Minimum needs of the OPD – The minimum needs have been assessed by the independent OPD assessor who confirms that the income derived from purely land-based businesses, based on the productive capacity of the land, is likely to exceed the minimum income needs of the applicant.

Mitigation of negative impacts on neighbouring communities – If the OPD did not go ahead the land would likely continue to produce animal products for sale, so it is not reasonable to assume that all business enterprises on the land represent new competition with existing businesses. Selling food and other produce locally is a contributory criterion of the OPD policy. The OPD policy does not prohibit creating similar products as local businesses, but does warn that direct competition may create a negative impact that should be mitigated. The scale of this OPD is small when compared to Square Farm, which has around 180 acres (13 times the size of the proposed OPD). Humble by Nature runs around 40 different course types plus weddings, holiday accommodation and an on-site restaurant. The £4,612 that the applicants are required to make through land-based businesses to cover the OPD minimum needs criteria is considered to be very small in the context of the turnover of these larger companies. Also, the agro-forestry based sheep, egg and pig rearing will provide the community with specialist product choices that contribute to carbon sequestration, enhancing biodiversity and promoting low impact living. There are fundamental differences between these products and the pork, eggs and lamb typically available locally. The project manager for Our Food has written a letter of support for the project and does not express concerns about negative impacts on existing businesses. It should be noted that the requirement for the applicant to meet the modest income requirements of the policy from land-based business (£4,612) is applicable five years after first habitation on the site. The economic situation of local businesses at that time is likely to be different from current circumstances. Furthermore, the OPD assessor advised that the essential criteria for community impacts for OPD are satisfied.

Sole residence – The applicant's extended family does not plan to live on site. The applicant has explicitly confirmed that the site will be their sole residence and a legal agreement will be in place to ensure this. Also, owning other properties/assets does not prevent the submission of the OPD. However, the applicant has advised that their boat is currently being advertised for sale.

Part time work – The OPD practice guidance does not state that the main income should come from the land. The OPD practice guidance does not restrict additional forms of work if they can be sustained while meeting the Ecological Footprint Calculation and other requirements of the policy. Therefore the applicant's employment is not relevant to determination of the application. The applicant has demonstrated that through careful management, the transport criterion of the OPD policy can be more than satisfied, even if part time work in Bristol is undertaken.

Travel – Using multiple modes of transport for a single journey is a standard way of maximising the use of public transport for rural residents. For instance, using a bike or car to reach a train station for onward travel is likely to have a lower transport impact than making a longer trip solely by car. The OPD practice guidance requires the residents to achieve a significant reduction in transport impacts from the average. The OPD assessor advised that this OPD is likely to generate 55% of the average number of car trips.

Uplift/overage – the applicant advised that MCC will not benefit financially from approving the OPD by means of an overage.

Section 106 for local community benefits – this is a OPD for a single household, and wider community benefits via a s106 agreement would not be required.

Major development consultation – this is a OPD for a single household dwelling (and related farm buildings) and not a major development.

Materials on site – The application includes appropriate provision for storage in the barn and workshop. It is unreasonable to assume that the site will get progressively worse once the applicant starts farming. The site will be opened to visitors and it is in the applicant's interest to keep the site tidy.

Soil testing – Soil test data and land classification information are provided in the baseline section of the Management Plan, and the OPD assessor advised that the information provided in the baseline section is of sufficient depth and quality and has expressed no concerns that the land was incompatible with the management proposed. Also, according to the Agricultural land classification: predictive map, the land in question is identified as grade 2, which is defined as good quality agricultural land.

Water – The water section of the management plan p181-191, provides significant detail regarding the applicant's intentions of water capture, storage and use. It is intended for the applicant to meet all their household water requirements through rainwater harvesting. Harvesting rainwater will meet the needs of all activities on site, including irrigation.

Chicken/phosphate – NRW have been consulted on the proposals and they have no objection and confirmed that they are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

Solar – the OPD assessor ran a simulation of the proposed PV system and has confirmed that it is adequate to serve the proposals.

Monitoring/Exit Strategy – this is considered in par. 6.1.23 above.

Ecological assessment – NRW have been consulted on the proposals and have reviewed the Ecology Report by Aderyn Ecology, confirming they have no adverse comments to make on the proposals. This application was also assessed by the Council's Ecologist who also has no objection. Relevant conditions will be imposed accordingly.

Tied to the land – The proposed dwelling would be tied to the land via a legal agreement.

Precedent – The Welsh Assembly Government has created the OPD policy with the objective of adhering to global sustainable development targets. The OPD policy aims to encourage individuals, families and co-operatives alike to create residential developments that are either low impact, or do not significantly degrade the environment. Such developments are required to meet 65% of the residents' basic needs from the land within the first five years, including income, energy and food. Each application will be treated on its own merits. Therefore, no precedent is set.

6.11 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.

6.12 Conclusion

It has been concluded by the OPD assessor that the applicants can meet their minimum food needs from the site.

The proposals would, in all probability, produce the income that the applicant predicts, and that all of the essential criteria as set out in the Guidance are satisfied.

The proposals have no significant wider planning implications and subject to the imposition of relevant planning conditions are LDP policy compliant.

7.0 RECOMMENDATION: APPROVE

Subject to a Legal Agreement requiring the following:

S106 Heads of Terms

"The owner covenants to the Council

*That the Dwelling shall at all times be the sole residence of the person(s) in Occupation of the Dwelling.

*That the Dwelling shall at all times be tied to the Land for the intent and purpose that neither the Land or any buildings and or Dwelling situated thereon shall be Disposed of separately.

*That the Dwelling shall be Occupied only by the person(s) currently or last employed in the carrying out of agricultural, horticultural, forestry, woodcraft and / or other associated activities relating to the Development, and their household."

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

Conditions:

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

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

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

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

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

- o Detailed scaled plans, showing existing and proposed levels.
- o Proposed and existing utilities/services above and below ground.
- o Soft landscape details for planting shall include: means of protection, planting plan of new and existing, specifications including species, size, density and number, cultivation and other operations associated with planting and seeding establishment i.e. Hard landscaping detailing for surfaces, retention structures and access,
- o Minor artefacts and structures (e.g. Refuse or other storage units, signs, lighting).

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

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

number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI1 and NE1.

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

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

6 An appropriately scaled 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 as a stand alone document or as incorporated and identified within the OPD 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.

- a. Boundary buffers including woodland, hedge and copse
- b. Green corridors including those within the site
- c. Grassland areas including mown grass, wildflower areas and understorey interfaces

b) Opportunities for enhancement to be incorporated

- a. Management of treed and planted boundaries for GI and biodiversity including interfaces with GI corridors connection the wider landscape

b. Maintain habitat connectivity through the site for species

c. Assessment of ash die back, opportunities for replacement planting and a programme for implementation

c) Trends and constraints on site that might influence management of above features.

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

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

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

i) Ongoing monitoring and remedial measures.

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

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

7 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- 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.

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. NOTE

See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

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

9 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bat and bird roosting provision as detailed in "Preliminary Ecological Appraisal - For an OPD on Land at Trecastle Wood, by Aderyn Ecology dated August 2021" identifying location, positioning and specification shall be provided. 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 11, the Environment (Wales) Act 2016 and LDP policy NE1.

10 The use of the site hereby approved shall operate in accordance with the aims, objectives and methodology set out in the Trecastle Wood One Planet Development Management Plan October 2021 and any successive Management Plan as approved by the Local Planning Authority including the phasing and monitoring requirements and exit strategy provisions should the One Planet Development objectives not be achieved.

REASON: This application is for a new dwelling in the open countryside, it is justified on the grounds that this is a One Planet Development, it is essential that this development is implemented in full compliance with this approved document in accordance with Technical Advice Note 6.

11 The occupation of this dwelling shall be limited to the person(s) identified in the Trecastle Wood One Planet Development Management Plan October 2021 and any successive Management Plan as approved by the Local Planning Authority as undertaking the land-based activities within the plot associated with that dwelling and to any resident dependants. The dwelling shall be the sole residence of its occupants.

REASON: This application is for a new dwelling in the open countryside, it is justified on the grounds that this is a One Planet Development, it is essential that the site is the sole residence of the applicant(s) in accordance with Technical Advice Note 6.

12 Not later than 1 April of each year, commencing 1 April following the initial occupation of the dwelling on the site, the occupiers of the site shall submit to the local planning authority an Annual Monitoring Report giving details of the activities carried out during the previous calendar year and setting out performance against the One Planet Development essential criteria for the plot and the site as a whole. Where the report identifies that adequate performance against any of the essential criteria has not been met, the report shall also set out corrective or mitigating measures sufficient to address the identified deficiencies in performance. These measures shall be implemented, in full and within the timescales stated, as set out in the report.

REASON: This application is for a new dwelling in the open countryside, it is justified on the grounds that this is a One Planet Development. This condition sets out the requirement for an Annual Monitoring report which is an essential requirement of One Planet Development in accordance with Technical Advice Note 6.

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

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

14 Before the approved development is first occupied the access 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.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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

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

4 Glamorgan Gwent Archaeological Trust's record is not definitive in the area of the proposal and features may be disturbed during the course of the work. In this event, please contact the Trust on 01792 655208.

5 SAB - From the plans submitted the total construction area potentially above 100m² (building footprint, yard area, hardstanding and parking bays) then SAB approval will be required prior to any works commencing on site. Please attach the following SAB informative to the decision notice and draw the applicant's attention to this requirement.

SAB INFORMATIVE: Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site appears to be in excess of the 100 m² threshold. Total construction area includes existing buildings that are being replaced, removed or patio/driveway areas. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.

6 Policy NE1 - Nature Conservation and Development seeks to ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection

Planning Policy Wales - Net Benefit for Biodiversity

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Policy S17 - Place Making and Design

Development shall contribute to creating high quality, attractive and sustainable places. All development proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surrounding in order to protect and enhance the natural, historic and built environments and to create attractive, safe and accessible places.

7 There is a small watercourse along the eastern boundary of the site. During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacementseries/guidance-for-pollution-prevention-gpps-full-list/>

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Application Number: DM/2021/02037

Proposal: Proposed change of use of agricultural land to provide access track to Roseham Cottage, Lane End Cottage and Wyewood

Address: Roseham Cottage, Bigsnap Wood Lane, Pen Y Fan, The Narth, Monmouth

Applicant: Mr Oliver Henman

Plans: Design and Access Statement - , Ecology Report Ecological Assessments - , Ecology Report Botanical Survey National Vegetation Classification and Ecological Management Report - 17 June 2022, Location Plan - , Site Layout Field Entrance Area - Proposed, Site Layout Field Entrance Area - Existing, Block Plan Proposed track - 1443-2C,

RECOMMENDATION: Approve

Case Officer: Mrs Helen Etherington
Date Valid: 15.12.2021

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

1.0 APPLICATION DETAILS

1.1 Site Description

The site is a field and woodland within the rural area of Pen Y Fan. The land does not form part of the curtilage of a listed building and is not within a Conservation Area. It is within the Wye Valley AONB.

1.2 Value Added

A second ecological study was undertaken of the field in June and more detailed plans for the access onto the public highway were submitted.

1.3 Proposal Description

The proposal is to install a track for residential purposes across forestry and agricultural land. The change of use to residential applies to the extent of the track only and not to any other part of the field or woodland.

The track will serve as access for three residential properties Roseham Cottage, Lane End Cottage and Wyewood. The proposed track would be 2.7m wide and cross a field and proceed through a small woodland. The extent from the house through the woodland will be constructed with two 1m wide strips of "Terram Grassprotecta" with a 0.7m grassed area between. The extent of track crossing the grassland will be two 0.9m wide gravel tracks with a 0.9m grassed area between. The construction will be 250mm thick stone over a geotextile membrane.

The new access will be 17m wide where it joins the public highway and part of the existing stone wall will need to be demolished to accommodate this. The gate will be set back 6m from the highway with visibility spays of 26m to the north and 17m to the south.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2009/01115	The rehabilitation of Roseham Cottage as a two storey dwelling with two storey extension.	Approved	28.07.2010

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
LC4 LDP Wye Valley AONB
MV1 LDP Proposed Developments and Highway Considerations
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
EP3 LDP Lighting

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

Trellech Community Council – Reservations; comments should be requested from: a) AONB on the visual impact; b) Highways, on the safety of the proposed entrance close to a junction; c) A further environmental survey should be carried out in the spring, by for example Gwent Wildlife Trust, to assess any impact on flora and fauna.

Wye Valley Community Council - re-consultation - no response received during re-consultation period.

AONB Manager - No response during consultation period.

MCC Biodiversity Officer – objection.

Initial comment - Surveys provided showed suitable habitats for protected species of moderate value, but this might be higher. Site works may affect this habitat and despite some net benefit measures being provided there is an overall loss of biodiversity value.

Later observations - Further survey work provided clarification of the ecological value of the land and acceptable management and enhancement measures have been proposed. This is acceptable subject to conditions. A Construction Environmental Management Plan is requested to be submitted to set out measure to be undertaken during construction to minimise adverse effects on priority habitats. Enhancement measures for the grassland areas of the site have been proposed to include employing a late summer cut and remove mowing regime, seeding of the meadow, removal of Japanese knotweed and planting of new fruit trees along the southern boundary. Enhancement measures for the woodland area of the site have been proposed to include coppicing and creation of habitat piles from management arisings.

MCC Rights of Way Officer - No objection; re-consultation - no objection

MCC Highways Officer - No objection - The proposed new access track is shown to be accessed from the private shared access road as opposed to being accessed directly from Roseham Cottage. There are no objections in principle, subject to the access being designed to appropriate standards, a minimum of 4.1m wide to accommodate the passing of two way traffic. Alternatively, there should at least be a series of passing bays throughout the length of the access track. Following the submission of further details regarding the access, this has overcome the concerns. While the applicant has chosen to keep the track under the suggested width, they have provided a passing bay to allow vehicles to pass, and therefore we would not object to the proposal.

MCC Landscape & Urban Design Officer – Following the submission of additional details (details of the entrance, clarification of three cherry trees, surface and sub-base), there are no objections subject to conditions.

Further information relating to planting methodology, aftercare as well as disposal of excavations and subsequent treatment on site will need to be provided prior to determination or as a condition should the application progress to approval.

Based on the information provided from a landscape and GI perspective, the proposal will not have a significant detrimental impact on the character and appearance of the wider landscape, localised streetscape, values and quality of the Wye Valley AONB and provisions of Planning Policy Wales (Edition 11) February 2021 and policies S13, and DES1 of the Monmouthshire County Council Adopted Development Plan 2011-2021.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

There were three representations received from neighbours, two in support of the application and one objection.

- Emergency Service access is sufficient using current access, access is onto an existing junction which has limited visibility. Therefore increased risk to pedestrians, horses and other vehicles. Change of use of the field could mean development of the land in the future. Adverse impact on the flora and fauna of the site
- Current access too narrow for large vehicles including emergency services; addition of track will have minimal impact on the field and will not detract from the natural appearance

Support

- Difficulty of accessing current Bigsnap Wood Lane; The argument that Bigsnap Wood Lane is no more difficult to access than Moor Lane is invalid and misleading; the present application for improved access across the field is being made only after exhausting all other options; the problem with emptying the septic tanks (referred to in one of the other Supporting Comments) is currently insoluble under the present arrangements.

5.3 Other Representations

There were twenty representations received from other parties, nine in support of the application and eleven objections.

The objection representations covered the following points:

- Adverse impact on the flora and fauna of the site.
- Access is not required as current access is sufficient for the dwelling's needs and there is a post box for deliveries located on Moor Lane.
- Emergency Service access is sufficient using current access.
- Initial ecological survey was undertaken at the wrong time of year.
- Mitigation detailed in the first ecological survey not appropriate.
- Access is onto an existing junction which has limited visibility. Therefore increased risk to pedestrians, horses and other vehicles.
- The proposed track was removed from the original refurbishment application for the cottage and is being applied for to enable the sale of the property.
- Change of use of the field could mean development of the land in the future.

The supporting representations covered the following points:

- Current access too narrow for large vehicles including emergency services.
- Addition of track will have minimal impact on the field and will not detract from the natural appearance.
- No increase in traffic using the track and traffic will be further away from neighbouring properties.

5.4 Local Member Representations

No local member representation was received during the consultation period.

Please note a summary of the objections is attached as an appendix to this report and all representations can be read in full on the Council's website:

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

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The development of a new track is considered acceptable. The existing entrance uses a public highway which is only 2.3m wide in some places with a low tree canopy. There are walls both sides of the entrance on to Moor Lane which limit manoeuvrability onto and out of Bigsnap

Wood Lane. The new track is proposed to provide a wider entrance on to Moor Lane allowing all types of vehicles, including emergency services, to access the properties of Roseham Cottage, Wyeswood and Lane End Cottage. The justification for the proposed new access is based on improved safety over and above the existing.

6.1.2 It is of a design and in materials which are in keeping with the rural location. The track has been laid out to minimise the impact on the field and nearby woodland. The entrance onto Moor Lane will be in accordance with current highways standards and an improvement on the current Bigsnap Lane entrance.

6.2 Landscape

6.2.1 A Botanical Survey - National Vegetation Classification and Ecological Management Report has been provided in relation to the grassland and surrounding woodland. It has provided more details on the habitat to be affected by the development and the possible mitigation in relation to the works.

6.2.2 The proposed surface and sub-base construction is acceptable and is a soft engineering approach to track construction. This will help to avoid impacts on root protection areas through the woodland.

6.2.3 The proposal is acceptable from a green infrastructure point of view although further details are required on planting methodology, aftercare as well as disposal of excavations and subsequent treatment on site. It is deemed that these can be added as a condition to the consent.

6.2.4 Given this it is considered that subject to conditions listed in section 7, the proposal accords with LDP policies LC1, LC4 and DES1.

6.3 Biodiversity

6.3.1 The proposed track and associated works will impact areas of semi-improved grassland of the meadow track habitat which supports between 8 and 12 species. This is within the lower range of diversity for this habitat type. The works will also result in the loss of a small area of woodland glade habitat. There are enhancement measures, detailed in the Botanical Survey, proposed for the woodland area of the site to include coppicing and creation of habitat piles from management arisings. In addition enhancement measures on the grassland have been detailed in the report to include employing a late summer cut and remove mowing regime, seeding of the meadow, removal of Japanese knotweed and planting of new fruit trees along the southern boundary.

6.3.2 It is deemed that the report details acceptable management and enhancement measures and compliance with the report will be added as a condition to the consent.

6.3.3 Given that the site offers habitat for protected and priority species such as reptiles, dormouse, badger, bats and nesting birds, a precautionary approach must be followed during the development. A Construction Environmental Management Plan is requested to be submitted to set out measure to be undertaken during construction to minimise adverse effects on priority habitats. A condition will be added to the consent requiring its submission prior to commencement of any works.

6.3.4 Though no lighting has been proposed as part of the development, to ensure that this is controlled in the future a condition can be added to any consent to remove any relevant permitted development rights.

6.3.5 The biodiversity enhancements in the form of two small bat boxes, large multi-chamber bat boxes and two woodstone bat boxes are deemed suitable for the development proposed. A condition can be added to any consent requiring their installation and retention.

6.4 Impact on Amenity

6.4.1 The track would pass close to the residential property of Ashley Cottage. The track has been designed so that at its closest point, it sweeps away from the property. This will lessen the impact of vehicles using the track on the neighbouring property.

6.4.2 There are no extra properties proposed at the end of the track therefore there should be no extra traffic generated as a result of the development. Given this, is it not considered that the proposed development would have an adverse effect on the amenity of neighbours.

6.5 Highways

6.5.1 The existing access to the property has a width of just 2.3m and the entrance to the road is not constructed in accordance with current Highway standards. The new entrance on to the public highway would have a sufficient visibility splay of 26m to the north, 17m to the south and 21m to road nearly opposite to the west. This is an improvement on the current access and would improve highway safety.

6.5.2 There is a passing bay proposed along the track to enable traffic to pass without the need to reverse back to the highway or drive onto the surrounding grassland.

6.5.3 The existing access road is via the public adopted highway, designation C50-18 and known locally as Bigsnap Wood Road. This would not be closed off as part of this application. It would require a formal stopping up order via MCC Highways Department which has not been proposed as part of this application. Highways Officers are aware of this and are satisfied that this does not pose any highway safety risk.

6.5.3 In the light of this, it is considered that the development would comply with LDP Policy MV1.

6.6 Wye River and Usk River catchment area

6.6.1 No foul drainage works are proposed as part of the development and therefore there should be no adverse effect on phosphate levels.

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

6.7.1 Trellech Community Council, who were the Community Council at the time of the first consultation, expressed concerns in relation to the AONB, visual impact, highways and that a further environmental survey should be conducted. A further survey was conducted and more detailed plans of the entrance submitted. The Highways Department, the Council's Landscape and Urban Design Officer and the Biodiversity Department were consulted on the revisions and are satisfied the revisions are acceptable.

6.7.2 The issues raised by the objectors are:

- Adverse impact on the flora and fauna of the site - see 6.2 and 6.3 above - on balance it was deemed that the new track would not significantly impact the local landscape and biodiversity.
- Access is not required as current access is sufficient for the dwelling's needs and there is a post box for deliveries located on Moor Lane. - see 6.5 above - the new entrance will be in accordance with current highways standards unlike the current Bigsnap Lane entrance.
- Emergency Service access is sufficient using current access - see 6.5 above - the safety and well-being of residents in Monmouthshire is a consideration under the Well-Being of Future Generations (Wales) Act 2015. The new access track will allow emergency service vehicles full access to the 3 properties located at the end of the track which will improve the safety of those residents.
- Initial ecological survey was undertaken at the wrong time of year - new survey was undertaken in June 2022.

- Mitigation detailed in the first ecological survey not appropriate - see 6.3 above - the revised survey and proposed mitigation have been deemed sufficient and in accordance with local and national policy.
- Access is onto an existing junction which has limited visibility. Therefore increased risk to pedestrians, horses and other vehicles. – see 6.5 above – no objection has been raised by the Highways Officer following the submission of the details of the access. The visibility splay for the new entrance will be wider than the existing. There should be no additional traffic as a result of the development as there are no additional dwellings who will be utilising the track than are already using the existing highway. Given this, it is not deemed that there would be an increased risk to road users as a result of the development.
- The proposed track was removed from the original refurbishment application for the cottage and is being applied for to enable the sale of the property. – further information has been submitted in support of the application which gives more details of the possible environmental impact of the track – see 6.3 above. The question as to whether this track is to enable to sale of Roseham Cottage is not a planning consideration.
- Change of use of the field could mean development of the land in the future. – the extent of the change of use of the field is limited to the track only. The revised block plan outlines in red the application proposal on the only part of the field which will be used to access the residential properties. The rest of the field will remain as agricultural in the open countryside and therefore not suitable for residential development. Any future proposed changes would be subject to a separate planning application.

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

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

6.9 Conclusion

6.9.1 Having regard to the policies identified in Section 3.0 of this report and all other material planning considerations, the application is considered to be acceptable subject to the planning conditions set out in section 7.0 below.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 The development shall be carried out in strict accordance with the methods detailed in section 6 (Method Statement) of the approved 'Botanical Survey - National Vegetation Classification and Ecological Management Report - Roseham Cottage by Dr Ryan Walker - The Ecology Co-operation Ltd, dated 17th June 2022.' Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

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

5 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bat roosting provision and habitat enhancements as detailed in "Botanical Survey - National Vegetation Classification and Ecological Management Report - Roseham Cottage by Dr Ryan Walker - The Ecology Co-operation Ltd, dated 17th June 2022." identifying location, positioning and specification shall be provided. 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 11, the Environment (Wales) Act 2016 and LDP policy NE1.

6 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- 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.

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: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

7 Prior to the commencement of development full details of landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with tree and grass establishment, schedules of plants, noting species, sizes, numbers and densities
- Details of location and treatment i.e. grading and seeding of any excavations proposed to be reused on site.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC5 of the Local Development Plan

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

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, GI1 and NE1.

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

All hedging comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development, whichever is the sooner, and any 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.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 The proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at: <https://www.monmouthshire.gov.uk/sab>

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

4 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

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Application Number: DM/2022/00492

Proposal: Proposed construction of Police Station (use class B1) and associated works

Address: Land Between Llanfoist Highways Depot And Llanfoist Farm, Merthyr Road, Llanfoist

Applicant: Mr Stuart Cummins

Plans: Landscaping Plan APS-STL-XX-ZZ-DR-L-09001-PL-PL02 - , Landscaping Plan APS-STL-XX-ZZ-DR-L-09140-PL-PL02 - (Sheet 1 of 2), Landscaping Plan APS-STL-XX-ZZ-DR-L-09140-PL01 - (Sheet 1 of 2), Landscaping Plan APS-STL-XX-ZZ-DR-L-09141-PL-PL02 - (Sheet 2 of 2), Landscaping Plan APS-STL-XX-ZZ-DR-L-09160-PL-PL02 - , Fencing Plan APS-STL-XX-ZZ-DR-L-09180-PL-PL02 - , Fencing Plan APS-STL-XX-ZZ-DR-L-09180-PL01 - , Location Plan APS-STL-VX-ZZ-DR-A-01001-PL-PL02 - , Site Sections APS-JUB-ZZ-XX-DR-C-0610 - , Drainage APS-JUB-ZZ-XX-RP-C-TN01 - , Floor Plans - Proposed APS-STL-V1-ZZ-DR-A-1000 - , Site Plan APS-STL-VX-ZZ-DR-A-01002-PL-PL02 - , Site Sections APS-STL-VX-ZZ-DR-A-01003 - , Ecology Report ECOLOGICAL APPRAISAL - , Other REPTILE & GCN REPORT - , Other ENVIRONMENTAL NOISE ASSESSMENT - , Other PLANNING STATEMENT - , Transport Statement TS01 - , All Proposed Plans APS-JUB-ZZ-XX-DR-C-0600 - , Green Infrastructure Framework Plan 154372_STL_XX_XX-RP_L_ZZ_RP001 - Green Infrastructure Management Plan -P02 - , Other 20284_SK02_Roundabout Entry (P1) - , Elevations - Proposed APS-STL-V1-ZZ-DR-A-20001 - ,

RECOMMENDATION: Approve subject to agreement of the detail of the access (and any associated minor changes to the site layout) being delegated to officers to agree via consultation with the Council's Delegation Panel

Case Officer: Ms Kate Bingham
Date Valid: 31.03.2022

This application is presented to Planning Committee as it is a Departure from the Local Development Plan

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a parcel of land located to the east of the B4246, Llanfoist, Abergavenny. The majority of the application site is located within the settlement boundary for Llanfoist, as defined by LDP Policy S1; a small proportion is located beyond the settlement limits and in the defined open countryside.

The irregular shaped parcel of land extends to approximately 6,821m² and comprises brownfield land. The boundaries of the site are defined by an unnamed road to the north and east; the B4246 to the west; and a line of trees to the south. Beyond these trees lie the commercial site belonging to Abergavenny Tyres. The site is relatively level (excluding the attenuation pond area) with a slight fall of approximately 1.97m running east to west. A large pylon is located along the northern boundary and a thick band of mature trees exist along the southern boundary. It is also worth noting that a Public Right of Way exists to the south and terminates at the site's south-western boundary.

The site is located within the Phosphorous Sensitive Catchment Area of the River Usk SAC.

1.2 Value Added

The external materials palette has been amended following comments from the Design Commission for Wales, Planning Officers and Llanfoist Fawr Community Council.

1.3 Proposal Description

The planning application seeks full planning permission for the construction of a Police Station (use class B1) and associated works. Only a small proportion of the site will be developed; the existing lagoon is proposed to remain in situ and the existing earthworks and cut material surrounding the lagoon are proposed to be retained. However, the existing stockpile will be removed.

The Police Station (use class B1) will be located immediately to the north of the main access point and will extend to approximately 410m². The building will be two-storey; the ground floor will contain the welfare facilities associated with the building and the first floor will be predominantly office and service based. Access into the building will be achieved via a door located on the western elevation.

The building will house local neighbourhood and response officers. The police building will be used by the officers as a day-to-day hub and will provide office space and amenities for them to adequately staff and police the local area. Other operations within the building include a voluntary attender's room which will be for invitation only and will be of the more informal nature. A property and evidence store will also be housed within the building. This is for the use of officers and will be emptied periodically by the property team.

The building will provide functional, office facilities for the Police, and is not a civic building which members of the public can freely access. The general public will be invited to attend voluntary informal interviews only. A two-way intercom system located outside of the site's secure boundary will be used by the public to inform officers of their arrival at the site. Officers will then collect the person(s) from the front gate and escort them to the VA room; once interviews are complete the officer will escort the person(s) back to the main site entrance. A yellow public police phone will also be provided at the main public site entrance for direct contact with emergency police services. It should be noted that there will be no custody suites on site, however, blue light vehicles will operate from here. Gwent Police will operate an exclusion zone around the site which means that use of sirens and blue lights will be minimised when immediately exiting the site to reduce the impact on neighbour amenity.

The Police are commonly adopting a hybrid approach, whereby their station/office buildings are located outside of the Town Centre, but that a public facing Police presence remains in the Town Centre. In this instance, within the town centre of Abergavenny a walk-in centre is currently in operation. This centre provides a face-to-face facility for members of the public to communicate with members of the police service. The drop-in centre is located within the town market building and operates between the hours of 9am - 5pm. The drop-in centre is front facing for easy access for the public.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00492	Proposed construction of Police Station (use class B1) and associated works.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S7 LDP Infrastructure 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

E2 LDP Non-Allocated Employment Sites
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
DES1 LDP General Design Considerations
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal

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

TAN 4 Retail and Commercial Development (2016): provides guidance regarding the provision of retail and commercial developments, including assessment of the appropriateness of such development spatially, and the potential resultant impacts upon established retail centres. The documents also provide guidance regarding where such developments should be encouraged.

TAN 5 Nature Conservation and Planning (2009): provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. It seeks to demonstrate how local planning authorities, developers and key stakeholders in conservation can work together to deliver more sustainable development that does not result in losses from the natural heritage but instead takes every opportunity to enhance it.

TAN 11 Noise (1997): provides advice on how the planning system can be used to minimise impact of noise without placing unreasonable restrictions on development. It outlines some of the main considerations which local planning authorities should take into account in drawing up development plan policies and when determining planning applications for development which will either generate noise or be exposed to existing noise sources.

TAN 12 Design (2016): provides advice on design considerations.

TAN 18 Transport (2007) confirms that integration of land use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development.

Supplementary Planning Guidance

Green Infrastructure (April 2015)

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanfoist Fawr Community Council - No objections although it is assumed, and if not, requested that Welsh Government be consulted regarding the local traffic impact of these proposals.

NRW - Foul Drainage: This application for the construction of a police station which proposes connection of foul water to the mains sewer. As such, we refer you to our Planning Advice, in particular the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works', which specifies the information that should be provided to support applications which propose connections to public wastewater treatment works.

With regards to the third bullet point, we note from the information available on your Authority's website that Dwr Cymu/Welsh Water have confirmed in a pre-application consultation with the applicant that Llanfoist Wastewater Treatment Works does not have capacity to treat additional phosphorus. Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

CEMP: We welcome the Construction Environmental and Traffic Management Plan, Abergavenny Police Station dated March 2022. The report is comprehensive and covers all relevant points. However we would like to include regular inspection checks of the discharge point from the balancing pond to ensure that there is no contaminated water discharging to the surface water drain and subsequently the watercourses. The applicant has put in mitigating plans such as silt netting to prevent silt entering the pond from the construction area but we would still want regular inspection of the discharge point for the pond. The report covers water damping down in dry conditions and we have known of previous problems with this causing a potential discharge to watercourses and surface water drains.

We have reviewed the updated Construction Environmental Management Plan, Abergavenny Police Station dated March 2022 (Revision B) and are satisfied with the amendments in section 5.2 regarding inspection checks of the discharge point from the balancing pond.

Great Crested Newts: We note that an attenuation pond is located on the proposed development site. eDNA and egg search surveys undertaken at the pond produced a negative result. Similarly, refugia surveys for great crested newts on terrestrial habitat did not demonstrate use of the site by GCN. However, a known GCN breeding pond is located circa 200 metres to the south southeast of the site. The development plans indicate the intention to improve the on-site pond for amphibians, and to provide a hibernaculum on land adjacent to the pond. On the basis of the information in the documents named above, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the following conditions are added to any permission your Authority may be minded to grant:

Condition 1: Amphibian-friendly surface water management system. Prior to its installation, full details of measures designed to prevent the incidental injury/ capture/ killing of great crested newts during operational and (if applicable) decommissioning phases of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. The submission to include detail of the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots or other similar features that could trap GCN.

Condition 2: Lighting plan

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas, in particular the off-site trees to be retained to the south and west, and the balancing/ attenuation pond to the north
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation

Contaminated Land: We have reviewed the (land contamination) documents and note the low levels of soil and groundwater contamination. The risk to controlled waters has been assessed as low and we accept this conclusion. It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed. These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

WG Highways - There are still some remaining issues that require addressing. The fencing at a reduced height is at the same height as that of the existing traffic ADS sign (1.8m). At the eye height of a driver on the links and roundabout the fence may obstruct sign details. Adequate sight lines to the sign should be confirmed. Further details as to the extant use of plot 7 should be provided as well as further commentary as to how standards at the arm in question accord with CD116 of the DMRB in line with the proposed use as a police station.

At the time of writing this report, project engineers are working to overcome the concerns raised by the trunk road authority.

MCC Highways - The application site has already been considered in terms of overall development and traffic impact; therefore we are satisfied that the traffic generated by the proposed development will have no adverse impact on the safety and capacity of the local highway network. In light of the aforementioned comments there are no highway grounds to sustain an objection to the application subject to the following conditions being applied.

1. No development may commence until the applicant has submitted a revised drawing demonstrating that the emergency access is for exiting emergency vehicles only via a footway/verge vehicle crossing.
2. The emergency access shall be for exiting emergency vehicles only under blue light conditions.
3. Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

Comments: The site in its previous form was the access road to the Llanfoist waste transfer station/recycling centre which ran parallel with the exit slip road from the A465. As part of the Westgate commercial and residential development the highway network was altered through introduction of a new roundabout which provided access to the development and waste/recycling centre and exit from the A465. A fourth roundabout arm was constructed as part of the overall scheme to provide access to the application site which formed part of the overall Westgate Development scheme.

It should be noted that the roads and roundabout between the A465 and Merthyr Road roundabout form part of the trunk road network therefore Welsh Government as Highway Authority for trunk roads should be consulted on these proposals.

As part of the development proposal 2 no. separate vehicular accesses are proposed. One from the already constructed arm of the new roundabout and a second from Merthyr Road. There are no objections to utilising the purpose built arm of the roundabout, subject to the agreement of Welsh Government, however there are concerns over the proposed secondary access onto Merthyr Road. The original access to the waste/recycling centre was at this location and was permanently removed as part of the overall Westgate development described above, therefore we would not wish to see an access reintroduced at this location unnecessarily when a suitable access is being provided directly off the roundabout. However, from the detail submitted with the application the access onto Merthyr Road is shown as emergency access only. In light of this the Highway Authority would not object to the proposed emergency use, however it should only be used for emergency exiting vehicles only, under blue light conditions.

In light of the above the emergency access as shown is considered to be over engineered for its intended purpose, therefore it shall be redesigned as a footway/verge vehicle crossing as opposed to the large bell-mouth junction shown.

The car parking and turning provision as shown is considered satisfactory for its purpose as the site is self-contained, therefore there will be no impact on the adjacent highway network.

Active travel is achievable to and from the site as appropriate measures/improvement have already been put in place to support the wider development.

Further comments received: It is noted there a number of revised drawings which have been submitted namely, fencing and security plan, landscaping plans and planting schedule etc. However, there does not appear to be a detailed drawing which satisfied the recommended condition 1 as set out in our initial response. A revised 'exit' only onto Merthyr Road detail is included on the fencing and security plan, however the detail is very limited. A statement has been provided by the applicant's agent with regards to the requested highway conditions however a detailed plan should accompany this as requested.

MCC Biodiversity - No objections subject to conditions.

MCC Landscape/GI Officer - No objection. Following comments from the landscape officer the following additional information has been received and included in the Green Infrastructure Management Plan:

- Information from Just Mammals on the aftercare prescriptions of the pond.
- Aftercare for the SuDS from Jubb.
- Information on access to the pylon post occupation.
- Revised locations/details for the bird and bat boxes.

MCC SAB - No objections.

SEWBRc Search Results - No significant ecological record identified. (delete / edit as appropriate)

5.2 Neighbour Notification

No comments received.

5.3 Other Representations

Abergavenny and District Civic Society - This is a generally well-presented application and we are pleased to see that it was submitted to DCfW; the Commission's comments and the applicant's responses have helped us to form our own views.

LDP boundaries in this area have clearly been overtaken by events since the plan was prepared and the site can reasonably be accepted to form part of the Westgate business park with an overall commitment for industrial and business employment. The applicants make it quite clear that the building is to be used for operational needs of the police 'business' and is not for normal public access; the public-facing police presence will be in the town centre. Many local residents may feel that the town centre presence is insufficient to deal with in-town problems; a greater explanation of the police strategy would have been helpful, but it may not be a planning control issue. However, it would appear to be misleading to label the building 'Abergavenny Police Station' when it does not encourage public access. The public expect to be able to go to 'the police station' to report an incident, to produce their driving licence, etc.

We note that the Design Statement refers to an objective that the design 'allows Gwent Police to easily extent the site in future years'. There would appear to be little or no scope for that except at the expense of the pond.

DCfW described the proposed building's architecture as 'aggressive', and, while we note the defensive security considerations, we question the need for, and likelihood of, the building's location and appearance conveying 'a strong visual presence [which] will give a positive message to the community that a strong police presence is located in this area; the building has been designed and positioned to act as a deterrent to persons utilising the heads of the valley road for criminal activities.' (Planning Statement p16). Consequently, while we do not object to the modern form of the building, we do object to the severity of the grey brick and black/anthracite cladding. Softer colouring such as cream and dark brown would be more in harmony with other buildings on the Westgate site, without compromising an impression of impregnability if required.

More positively we welcome the measures intended to achieve BREEM Excellent standard and to bring the attenuation pond and its surroundings under proper ecological management. No doubt you will take the advice of others to ensure that the biodiversity provision and management arrangement are appropriate and enduring; there is clearly a case for the Velo Park, the large nearby pond and the police station pond being managed together.

5.4 Local Member Representations

Former Cllr G Howard - By the time this application is to be determined, I shall no longer be the Councillor representing the Llanfoist Fawr ward. Therefore, I would ask you that the new members views and those of the Community Council be sought on this development, before a decision is taken.

I see that the design of the building is quite striking and I note the comments from DCfW in the supporting docs. I wonder whether this style is appropriate given the negotiation that took place on the earlier Premier Inn scheme to ensure the use of local materials, particularly stone, as a way of reflecting the local context.

I have no objection to the proposed land use, albeit that this land is outside the settlement boundary, and it will be far preferable to another fast food outlet. I guess, though, that this will have to be a Committee decision as it would not be in accordance with the LDP.

I should think that many residents will be glad that there would appear to be an obvious Police presence in Llanfoist.

However, whilst I realise that it will also be beneficial for Police Officers to have a local base, it appears that unlike the former Station there will be no custody cells and that those arrested will continue to be taken to Monmouth or elsewhere. I realise that this is not a planning matter per se, but my overriding thoughts are whether or not this development is actually going to have any

practical benefit to residents and improve response times, or just be a welfare and daytime office base.

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 located in a mixed-use area. Industrial units lie to the west and south of the site; commercial units are located east of the site, namely, McDonalds and Costa Coffee; and residential dwellings predominate further south. The Heads of the Valleys Road (A465) is located some 50m north of the site and runs parallel to the site's northern boundary. Further afield, the river Usk is located approximately 450m north of the site.

The settlement boundary in this location does not follow a logical form based on the current situation on the ground. It is likely that the unusual boundary arrangement is a hangover from the previous UDP given the timing of the preparation and adoption of the LDP and the timing of the completion of road works associated with the Heads of the Valleys Road.

A planning consultant progressed a candidate site submission (August 2021) in response to MCC's Second Call for Candidate Sites regarding the Replacement Local Development Plan (RLDP). It was requested that the LPA undertake a settlement boundary review in this area of Llanfoist; specifically requesting that the site be included within the settlement boundary. This work is still ongoing. At the current time, Policy E2 of the LDP applies as it relates to Non-Allocated Employment Sites and states as follows:

Proposals for industrial and business development (classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987) by new, non-speculative single-site users that cannot be accommodated on existing or proposed industrial or business sites within the County will be permitted provided that all the following conditions are met:

- a) the proposed site is within or adjoining development boundaries of towns and other main settlements or existing and proposed industrial / business sites;
 - b) the proposal is compatible with adjacent land uses;
 - c) there is a demonstrable need for the type and scale of development in that location; and
 - d) the proposal would cause no unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value.
- Such developments will be controlled with a Section 106 Agreement to restrict the site to a single user.

Half of the site is located within the settlement boundary whilst the other half adjoins the development boundary for Llanfoist and adjacent to an allocated employment site referred to as Westgate Business Park. As such, the proposal is compatible with adjacent land uses. Gwent Police has identified this site as an appropriate site due to its sustainable location and its proximity to the Heads of the Valley Road (A465) strategic road network. The proposals show only a small proportion of the site as being developed, the existing lagoon is proposed to remain in situ, existing earthworks and cut material surrounding the lagoon are proposed to be retained. It is suggested that there is an opportunity to create enhanced biodiversity and pathways around the lagoon. Therefore, the proposal will not cause unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value. On this basis the proposed development is considered to meet the criteria of Policy E2 of the LDP.

As part of the site is outside the development boundary LDP Policy LC1 also applies. Compliance with this policy is considered below in Paragraph 6.3.

Under 'Policy 6: Town Centre First', Future Wales encourages public service facilities to be located within town and city centres. As noted in Paragraph 1.3 above, the approach here is a hybrid approach with two key objectives; the need for a community public facing facility within the Town Centre, but also a public facing building, located on one of the key highway networks in South Wales to act as a visual deterrent to criminals. The site's location, with immediate access onto the strategic highway network is therefore imperative to the success of the proposed development.

The Predictive Agricultural Land Classification (ALC) Map identifies that the land is classified as Grade 2. The Local Development Plan Preferred Strategy acknowledges the challenge of protecting the best and most versatile (BMV) agricultural land given the high proportion of BMV land in the County and limited opportunities for brownfield development. It is clear when visiting the site that the site is not BMV Grade 2 land, nor is it even agricultural land given that the site is effectively vacant land between new roads. As such the predictive ALC maps are accepted to be out of date. The site measures approx. 0.6 hectares which includes the large attenuation pond. Given its size and location it is considered that there is no realistic prospect of it being used for agriculture. Given these circumstances, no further surveys in relation to ALC is considered to be necessary in this case.

Despite the site being a technical departure to the LDP, it is a brownfield site adjacent to a business park and is considered appropriate for this form of community development (use class B1).

6.2 Sustainability

6.2.1 Good Design/Place Making

The proposed police building is a simple, rectangular, two-storey structure under a mono-pitch roof. The building has a vertical emphasis, with elongated windows spanning from ground to first floor. In terms of the material palette, the ground floor of the building will be cream-coloured brick; this has been selected as a robust material to provide a strong aesthetic anchor to the building. The exterior of the first floor will be comprise of a grey (oyster) composite cladding. The roof will be made of a metal built up roof system. There are few existing consistent architectural forms in the allocated site to the east or towards Westgate depot / employment zones to inform the design palette so a contemporary and functional design and layout which is easily recognisable, but in turn with the proposed landscaping that will help to integrate the building within the setting, is considered to be acceptable.

The building has been purposely designed to appear as a warehouse/office facility and not a more obvious civic building. Whilst local people will be able to interact with police officers and civilian staff inside the building via external telephone link, the building is not open to the public, unless persons are invited to interview here. The building's functional appearance is intended to act as a deterrent to commit crime for anybody passing the site via the heads of the valley road including County lines drug traffickers.

Whilst the building has been designed to stand tall, the surrounding environment ensures a softer feel. In terms of boundaries, secure fencing at 1.8m height is proposed to ensure staff and visitor safety is maintained at all times. Where possible, the secure line will be softened by planting. This will sit at the back edge of footpath and will not interfere with the existing public space. The proposed type of fencing will be a black metal permeable barrier, allowing views into and out of the site.

The mitigation planting comprises 18 no. new trees which are to be dispersed across the site alongside hedgerow planting along the northern boundary with amenity grassed areas and wildflower planting providing a soft frontage. Existing trees and habitat areas have been retained wherever possible. The existing attenuation pond area will continue to aid site drainage, with further levels of ecological enhancement, including aquatic marginal planting, grassland, wildflower swathes and native tree planting.

The application was submitted to the Design Commission for Wales (DCfW) as requested by South Wales Police. The scheme was presented to the design panel on the 24th March 2022. The project was generally well received by the DCfW. However, concern was raised that the architecture of the building was 'very aggressive'; the original design proposing grey and black materials for the walls. This concern was shared by Planning Officers and the Abergavenny and District Civic Society. As a result, the colour of the external walls has been changed to lighter cream bricks with light grey cladding above. The buff neutral brick colour to the ground floor provides a light neutral base to the building to which the new planting and landscaping will stand out against. This natural colour will be more inviting and tactile than the previous grey toned brick. The colour palette is subtle meaning the two colours should blend as one. The prominence of the building will therefore be reduced compared to the previous dark, more oppressive palette and as a result, will make the building look more domestic in appearance rather than overly authoritarian, while the scale and form will ensure that it is still visible from the Heads of the Valleys road.

On the basis of the above it is considered that the proposed development is in accordance with the provisions of Policy DES1 of the LDP and TAN12.

6.2.2 Green Infrastructure

The GI Management Plan and post construction establishment and aftercare programme is acceptable. Page 30 clearly highlights the roles and responsibilities for delivering the GI Management Plan and aftercare of the site.

The landscape general arrangement APS-STL-xx-ZZ-DR-L-9001 PL03 retains the SuDs balance pond with new build and infrastructure on existing predominantly hard surfaced platforms. The proposal intends to install a black perimeter security mesh fence to boundaries and close to existing treed boundary to the south-west along existing fence line. The fence to be vertical and not cantilevered at the top as per descriptions and to include an internal native species hedge

In order to ensure the site can be sensitively redeveloped, a strong landscape and Green Infrastructure Strategy has been submitted and the biodiversity enhancement opportunities identified within the ecological reports have been incorporated into the design. The mitigation planting comprises 18no. new trees which are to be dispersed across the site alongside hedgerow planting along the northern boundary with amenity grassed areas and wildflower planting providing a soft frontage. Existing trees and habitat areas have been retained wherever possible. The existing attenuation pond area will continue to aid site drainage, with further levels of ecological enhancement, including aquatic marginal planting, grassland, wildflower swathes and native tree planting.

6.3 Landscape

Policy LC1 relates to New Built Development in the Open Countryside and states the following: There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:

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

As aforementioned, the proposals show only a small proportion of the site as being developed, the existing lagoon is proposed to remain in situ, existing earthworks and cut material surrounding the lagoon are proposed to be retained. It is suggested that there is an opportunity to create enhanced

biodiversity and pathways around the lagoon. Therefore, the proposal will not cause unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value;

The site sits adjacent to, and on the ground appears part of, an allocated employment site referred to as Westgate Business Park. As such, the new building is located within close proximity to existing groups of buildings. The site sits adjacent to a number of industrial and commercial properties which vary in size and form. The proposed building will be two-storey high and 429sq.m in floor spaces. As such, the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside and the provisions on LDP Policies LC1 and LC5 are considered to have been met.

6.4 Biodiversity

An Extended Phase 1 Habitat survey undertaken in March 2021 by Just Mammals consultancy identified habitats within the site to include semi-improved neutral grassland, hardstanding, line of trees, pond, disturbed ground; ephemeral/short perennial and scrub. Habitats within the site are considered to provide suitable commuting, foraging, and nesting opportunities for nesting birds, great crested newt, and low numbers of reptiles as well as commuting and foraging routes for bats along the tree line. The walkover survey followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit. Further surveys for great crested newt and reptiles were undertaken by Just Mammals Consultancy Ltd between April and June 2021. No reptiles were found during the surveys and the pond returned a negative eDNA result for great crested newt as well as no eggs being found. These surveys were undertaken following best practice guidelines and I agree with the conclusions that great crested newt and reptile are likely absent from the site.

Habitats within the site are suitable to support amphibians and reptiles and should be encouraged within the site. A Construction Environmental Management Plan (CEMP) has been submitted which will include precautionary methods of working relating to amphibians and reptiles and controls to prevent pollution. Natural Resources Wales have also recommended a condition for an amphibian-friendly surface water management system in their comments dated 09/05/2022.

A sensitive lighting plan to minimise impacts on commuting and foraging bats has been recommended within the ecology reports. A suggested condition has been provided below to secure this should Members be minded to approve the application.

In terms of great crested newts, as per pre-application comments, outline planning permission for the residential and commercial development of the wider site was granted in October 2010 as part of application DC/2008/00818. A Section 106 Agreement was entered as part of the permission, which included the implementation of a mitigation strategy for great crested newt (gcn) within the site and its surrounding areas: Mitigation Strategy for Great Crested Newt & Other Protected Species by David Clements Ecology Ltd, October 2009. The addition of great crested newt underpasses within the landscape design, as well as ecological scrapes and proposed planting to enhance connectivity throughout the site for great crested newt and other amphibians is welcomed.

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The ecological reports and feature plan provide suggested enhancement measures to include:

- Installation of 3 great crested newt underpasses
- 2 bat boxes to be erected on retained mature trees to south of site boundary
- 2 bird boxes to be erected on retained mature trees to south of site boundary
- Installation of hibernaculum in north west corner of site
- Creation of log piles within the site
- Installation of bug hotels close to the balancing pond

These measures are welcome and are illustrated on the 'Soft Landscape and Ecological Feature Plan -Abergavenny Police Station by Stride Treglown, dated June 2022.

On the basis of the above, and subject to conditions, the development is considered to meet the requirements of LDP Policy NE1.

6.5 Impact on Amenity

There are no neighbouring residential dwellings within close proximity of the site, the nearest neighbouring properties being a Premier Inn Hotel and a Brewers Fayre restaurant/pub. Blue light vehicles will operate from the site and Gwent Police will operate an exclusion zone around the site which means that use of sirens and blue lights will be minimised when immediately exiting the site to reduce the impact on neighbour amenity. As such, there will be no conflict with LDP Policy EP1.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

In terms of public transport, the closest bus stop is located approximately 150m north of the site, along Merthyr Road. This stop provides regular services throughout the day (from 07:24 to 18:02) to Llanellen, Brynmawr and Merthyr Tydfil (via the following bus numbers: 3, X4 and 47). Abergavenny train station is located 2.5km north-west of the site and provides direct routes to Manchester Piccadilly, Cardiff Central and Carmarthen.

The closest cycle route to the site is located approximately 200m north-west of the site along 'The Cutting', namely, route number 46. This cycle route connects Bromsgrove and Neath.

As such, the site is considered to rate highly in terms of Sustainable Transport and is therefore an appropriate location for a use such as a police station.

6.6.2 Access / Highway Safety

The site currently offers vehicular access via an unnamed road which provides access to the south-eastern corner of the site. This road connects directly to the Heads of the Valleys Road (the A465), which is the main road linking Neath and Abergavenny. The main access point will be maintained via the existing access point. This entrance point will extend into the development in a westward direction before splitting in a south-eastward and a north-westward direction. The former will provide direct access to the parking provision along the site's southern boundary and the latter will run along the site's southern boundary and link to the B4246. This access point onto the B road would only be used for emergencies.

Two-way vehicle movements of 52 vehicles are forecast during the shift changeover period. This is equivalent to less than one vehicle per minute during the changeover hour. Such a minor increase in traffic flow will not be a noticeable and will fall within the bounds of normal daily fluctuations in traffic flows along the local highway network. Ultimately, trip generation will be negligible and it is not considered that the quantum of movement associated with this development will cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes.

There is an on-going discussion involving the applicants and the WG Transport Team (trunk roads authority) to ensure the detail of the access is fully acceptable. The discussion centres around the depth of set back off the roundabout before the gates of the police station are located. Currently the setback is 12m off the roundabout before the gates but this may need to be further – possibly 18m but this is yet to be resolved. A greater set back may lead to the building/ site layout being changed very slightly – but this would not have any impact on any neighbouring uses. Given the principle of the access of the roundabout is entirely acceptable, it is suggested that if Members are minded to approve the development, the detail of this access off the trunk road is delegated to officers to agree via consultation with the Council's Delegation Panel.

6.6.3 Parking

Collectively, 30no. parking spaces will be provided on-site, including:

- 24 standard parking spaces including 5 regular electric vehicle charging spaces
- 4 large parking spaces for police vans including 2 electric vehicle charging bays
- 2 accessible spaces including one accessible electric vehicle charging bay

Cycle storage will be located directly west of the Police Station building. The cycle storage will collectively store 20no. of bicycles. This level of parking is acceptable and policy compliant.

6.7 Drainage

6.7.1 Foul Drainage

There is an existing foul water sewer within the unnamed road located to the east of the development. It is therefore proposed to connect the development drainage to the existing system.

6.7.2 Surface Water Drainage

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

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Developments intended to provide services, facilities, commercial sites, or places of employment (e.g., community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the SAC river catchment.

It is proposed that surface water will be filtered via proposed grass covered Filter Trench and raingardens into a below ground attenuation tank and to then discharge into the existing basin via a hydro break flow control chamber. An on-site scheme incorporating a variety of SuDS features, such as SuDS planters, rain gardens etc., are proposed to address water quality / quantity matters. These features will be located within the development site wherever possible. A landscape designer will progress a scheme to compliment the SuDS and provide an environment that is not only functional but will provide amenity and biodiversity benefits. The inclusion of these SuDS features would therefore address quantity, quality, amenity and biodiversity.

The scheme will be subject to separate SAB approval.

6.8 Contaminated Land

A Desk Study & Preliminary Stockpile Assessment has been produced by Earth Science Partnership to assess the potential for hazardous substances within the site and its surroundings in support of the application. Based on the trial pits and testing, the modified plasticity indices suggest that the soils are generally of low volume change potential. The materials have been identified to largely be General Cohesive Fill (Class 2c - Stony Cohesive Material). The soils also meet the classification for Class 7a (Selected Cohesive Fill, Selected Cohesive Material) and 7d (Selected Cohesive Fill, Selected Stony Cohesive Material). Furthermore, eight samples were

tested for a range of contaminants typically found on brownfield sites. All of the contaminant levels recorded were below the stringent guideline values for residential land use and therefore the risk is considered to be low. Therefore, in line with the report's suggestions, if during the movement/excavation of the materials in the future, any contamination or potential for contamination is identified, works will be ceased and a specialist will be contacted immediately. On this basis, no further survey work in relation to contamination is required at this time.

6.9 Noise

An Environmental Noise Assessment to confirm the likely ventilation strategy within the development has been submitted in support of the application. This has determined that all habitable spaces facing exposure level 1 will require attenuated windows to facilitate natural ventilation or mechanical ventilation. A full acoustic specification for windows, ventilators, walls and roof has been provided. The specifications will enable compliance with the internal noise criteria of BS 8233: 2014.

Limited blue light vehicles will operate from the site, although Gwent Police will operate an exclusion zone around the site which means that use of sirens and blue lights will be minimised when immediately exiting the site to reduce the impact on neighbour amenity.

As such it is considered that the development will adhere to TAN 11 and LDP Policy EP1 and will ensure that any noise pollution can be adequately addressed through appropriate mitigation measures.

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

The concerns raised regarding the design of the building have been largely addressed by the revision of the materials palette from dark grey/black to cream and grey giving the building a 'lighter' impact within its setting and is more akin to the appearance of the existing surrounding development.

6.11 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.

6.12 Conclusion

There is no physical constraint to the redevelopment of the land in terms of access as the site is accessible via an existing spur off the roundabout located to the east. As set out in par. 6.2.2 above, given the principle of the access of the roundabout is entirely acceptable, it is suggested that if Members are minded to approve the development, the detail of this access (and any associated minor changes to the site layout) off the trunk road is delegated to officers to agree via consultation with the Council's Delegation Panel.

There are no overriding ecological constraints that cannot be mitigated against. Any mitigation and compensation can be managed via condition should Members be minded to approve the application. As such, there is no conflict with LDP Policy NE1.

The development will not have an adverse impact on any landscape designation. The design of the building is considered to be appropriate within the setting. As such there is no conflict with LDP Policies LC1, LC5 and DES1.

There are no known issues with regards to site stability/ground conditions, and the topography of the site, incorporating largely level land, does not present any obstacle to development. The development of the site for commercial use would not result in an adverse impact on any neighbours in accordance with LDP Policy EP1.

7.0 RECOMMENDATION: APPROVE subject to agreement of the detail of the access (and any associated minor changes to the site layout) being delegated to officers to agree via consultation with the Council's Delegation Panel

Conditions:

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

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

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

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

3 The development shall be carried out in strict accordance with Section 10 (Recommendations) of the approved 'Proposed Gwent Police Station - A Preliminary Ecological Appraisal by Just Mammals Consultancy Ltd, dated April 2021' and Section 9 (Recommendations) of the approved 'Proposed Gwent Police Station - A Species Survey Report by Just Mammals Consultancy Ltd, dated June 2021'.

REASON: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

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

5 The 'Soft Landscape and Ecological Feature Plan - Abergavenny Police Station by Stride Treglown, dated June 2022' which illustrates the location of bat and bird box provision as well as hibernacula, log piles and bug hotels shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. 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, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

7 Prior to its installation, full details of measures designed to prevent the incidental injury/capture/ killing of great crested newts during operational and (if applicable) decommissioning phases of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. The submission to include detail of the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots or other similar features that could trap Great Crested newts.

REASON: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

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

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

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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

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

4 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

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

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

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Application Number: DM/2022/00494

Proposal: New dwelling (Plot 2)

Address: Azalea Cottage, Old School Hill, Mynyddbach, NP16 6RP

Applicant: James Cullingham

Plans: Location Plan 100 - , Site Plan 101 - , Site Plan 102 - Rev 5, Floor Plans - Proposed 103 - Rev 5, Floor Plans - Proposed 104 - Rev 5, Elevations - Proposed 105 - Rev 5, Site Sections 106 - , All Drawings/Plans 108 - , Ecology Report PRELIMIARY_ECOLOGICAL - , Other BIODIVERSITY_ENHANCEMENT - ,

RECOMMENDATION: Approved subject to S106 agreement

Case Officer: Kate Young

Date Valid: 30.03.2022

This application is presented to Planning Committee at the request of the local member, Councillor Brown

1.0 APPLICATION DETAILS

1.1 Site Description

The site is located within the Shirenewton and Mynyddbach Development Boundary as identified in the LDP. The application site measures approximately 0.1 ha and was previously the extended garden curtilage to Azalea Cottage which lies to the south-west of the application site. There is a road frontage with Old School Hill and the land slopes down steeply from the road. To the north-west of the site are residential properties accessed off Weyload Lane. To the north-west is Hillcrest. To the south of the site, on the opposite side of the road, are two detached dwellings. To the south-west is plot no 1; a full application for plot 1 was submitted earlier this year, under DM/2022/00089 but that application has subsequently been withdrawn.

There are some mature trees and shrubs on the site with a mature hedgerow along the road frontage. The site comprises semi-improved grassland to the southern end and self-seeded scrub and apple trees together with invasive non-native bamboo. There is an existing telegraph pole at the entrance to the site. In March 2022 outline planning permission was granted for two dwellings on this site.

1.2 Value Added

This application was the subject of pre-application advise and significant design changes were made at that stage. Since this application was submitted there have been some amendments including the addition of a close boarded fence along the common boundary with Hillcrest and alterations to the upper floor landing window to protect residential amenity.

1.3 Proposal Description

This is a full application for a single two storey detached dwelling on the site, with a vehicular access which will be shared with plot 1 adjacent. The new dwelling would have three bedrooms on the upper floor. The dwelling will be of a contemporary design finished in stone and timber cladding, with a sedum grass roof. The windows would have metal frames. There would be two monopitched roofs with a raised part of the roof containing solar panels. The dwelling will have a footprint of approximately 140m². The ridge height would be 7.7m from the ground floor level but only 3.8m from the road level due to the sloping down nature of the site. Due to the very steeply sloping nature of the site the dwelling will appear single storey when viewed from the road. There would be an

attached garage at the front with a plant room and accommodation below. On the lower floor there would be a single storey element to the southern side, and this would have parking above. The hedgerow at the front of the site will be removed to provide visibility splays for the access. A new hedge will be planted, further back from the carriageway.

A preliminary ecological survey, biodiversity enhancements and a Design & Access Statement were submitted as part of the application.

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00319	Modification of condition no. 2 of planning consent DC/2017/01122 (to be extended for a further 3 years)	Approved	15.03.2022
DM/2022/00089	Erection of a new detached dwelling (plot1)	Withdrawn	17.06.2022
DC/2009/00560	Rear extension, construction of car port, altered car access	Approved	19.08.2009
DC/2009/00558	Construction of a new dwelling	Approved	18.08.2009
DC/2014/01512	New location of side windows	Approved	09.02.2015

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H2 LDP Residential Development in Main Villages
 SD4 LDP Sustainable Drainage
 NE1 LDP Nature Conservation and Development
 EP1 LDP Amenity and Environmental Protection

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>

Green Infrastructure April 2015:

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

Domestic Garages SPG (January 2013):

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>

Monmouthshire Parking Standards (January 2013)

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

4.0 NATIONAL PLANNING POLICY

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

Shirenewton Community Council objects for the following reasons:

1. evidence of reciprocal rights for a shared drive
2. exclusion of the general permitted development order
3. clarity for the colouring of the external timber cladding
4. clarity for the status of the s106 Agreement and contribution to affordable housing
5. the obtaining of an ecology report detailing mitigation

6. a design statement demonstrating how the house makes a positive contribution to the creation of distinctive communities, places and spaces and responds to the context and character of the area.

7. proposals for the repair and restitution of the roadside hedging and stone wall.

Dwr Cymru-Welsh Water - No objection subject to a condition relating to surface water.

MCC Highways - No objection subject to conditions

- No development may commence until the applicant has relocated the existing telegraph pole to the approval and agreement of the utility company.
- The shared access, driveway and parking shall be constructed strictly in accordance with the approved drawings.
- The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the highway boundary.
- The access shall be constructed with 45° ease of access splays which shall be a minimum of 3m either side of the driveway. The actual driveway width shall be 5m. Gates if provided shall not open outwards and shall be set back a minimum of 5m from the highway boundary.
- The maximum gradient of the access shall not exceed 1 in 8 (12%).

LLFA/ SAB Officer: No objection

The SAB still has concerns that the system needs further design but this will be managed through the SAB process. On that basis the surface water runoff will be managed via a system to be approved by the SAB. Please add an informative to the decision notice.

Flood risk maps provided by Natural Resources Wales indicate the site to not be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

We therefore have no objection on flood risk grounds.

MCC Ecology – No objection subject to conditions

- Trees to be inspected by a licenced bat specialist prior to any pruning or clearance work
- Construction Method Statement to consider nesting birds, common reptiles and hedgehogs
- Control over external lighting
- Limitation of works between 1st March and 31st August, subject to detailed check for nesting birds to be approved.
- Biodiversity enhancements to be carried out as per the drawings and maintained in perpetuity.

5.2 Neighbour Notification

Letters of objection received from one address.

Loss of privacy, overlooking from the first floor window serving the hallway.

Excavation works for the accommodation under the garage will be close to the boundary with Hillcrest and this may damage the roots of the adjacent trees.

No pull-in in front of the access which is in itself is unsafe.

The parking space above the living accommodation is a bit odd.

Devaluation of property prices.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Brown requests that this application be presented to Committee.

This application is for Plot 2 only, which originally had an outline planning permission for 2 plots.

The two plots have a shared drive but the planning permission only covers half of the shared drive.

There is a concern that as plot 1 and plot 2 are from different applicants that the dwellings and drives may be completed at different times. The shared drive with its visibility splays and turning circles needs to be available prior to the occupation of any of the dwelling houses. Plots 1 and 2 are located between a junction and close to a bend on a narrow road, the plots have a steep slope and it is important that access and egress are in forward gear and not obstructed on the drive or by vision in either direction by any building works. The sister application DM/2022/00089 has been referred to the planning committee for consideration of highways concerns. It would be appropriate to also refer this planning application to the planning committee to be considered at the same time, to see how the parking and shared drive work together and have similar plans.

In addition in view of the concerns mentioned in the first two paragraphs. It is suggested that consideration needs to be fully given by legal on procedure/wording, highways and planning on suitable conditions such as Grampian conditions to ensure that not only are there mirror conditions/plans as suggested by highways but a suggestion that there is no occupation of either property until a shared driveway is available and has been constructed and will not be obstructed by any building works of the sister plot. A Grampian condition allows for a condition outside of the plan area which may assist when the two plots are not developed at the same time by one developer but by different ones and there is only one shared drive. The community council has also raised additional concerns which need to be addressed and considered by planning committee. In addition, both plots in view of their elevated positions have resulted in neighbour concerns which need to be fully addressed.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Mynyddbach development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot of sufficient size to accommodate a residential dwellings of a similar size to existing dwellings in this area. Policies S1 and H2 allow for new residential development to be built inside the development boundaries of Main Villages of which Shirenewton and Mynyddbach share one. Therefore, the principle of new residential development is acceptable on this plot. In addition, outline planning permission was granted for two dwellings on this plot in March 2022 and so the principle of residential use on this site is already established.

6.2 Sustainability

6.2.1 The site is located within an existing village where there is a good range of services including a primary school, church and public houses. The proposed dwelling will have a green roof and solar panels. The design of the dwelling will aim to meet 'Passivhaus' standards. The integrated solar panel roof angle shall be set at the optimum angle (35 degrees) for maximum yearly power generation. Heating, hot water and cooling would be provided by heat pump combined with a mechanical ventilation heat recovery (MVHR) system. Rainwater would be collected from all roofs and stored in an underground tank for both internal use (washing machine, toilets, etc) and external use (car washing, garden watering, etc).

6.3 Good Design

The adopted supplementary planning guidance (SPG) on Infill Development says that the size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. In this case, the plot size is similar to others in the area and the proposed dwelling will continue the rhythm of the street scene and the general area. The application proposes a dwelling of contemporary design. This area of Mynyddbach is characterised by a variety of housing styles, some traditional and some contemporary; there is no prevailing character. The two properties to the south-east of this site on the opposite side of Old School Road are both two-storey, finished in brick, render and timber cladding. Hillcrest to the north-east of the site is a more traditional style cottage, finished in natural stone and render with a pantile roof. Due

to the steeply sloping nature of the site the proposed new property will appear single storey when viewed from the road. The proposed green roof and solar ridge would not be characteristic of the area, but it works well with the topography of the site and promotes the green credentials of the development. A substantial part of the elevations of this property will be finished in natural stone and samples of this will be required by condition. The natural stone will visually tie the new dwelling to the adjacent dwelling Hillcrest that is also partially finished in natural stone.

It is the attached garage of the proposed new dwelling that will be most visible in the streetscene, and it will be faced in natural stone. The rear of the property will not be visually prominent when viewed from public vantage points. It is the proposed rear elevation that contains most of the principal windows and is largely finished in timber cladding. The SPG on Infill Development advises that the proposal must respect the scale, form and massing of existing development. The proposed dwelling is considered to comply with the advice provided in the Infill Development SPG.

Policy DES1 of the LDP requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. In this case the proposed dwelling does respect the local character both in terms of massing and materials. The natural stone and timber cladding can be seen elsewhere in the area. The provision of a green roof does not reflect other properties in the area, but it does introduce a more contemporary, and sustainable design into the area which is appropriate in this location. The proposal will respect the character of the area and the surrounding properties, and it therefore accords with the objectives of Policy DES1 of the LDP.

6.4 Historic Environment

The site does not relate to a listed building and is not located within a conservation area.

6.5 Biodiversity

The application for the proposal is informed by an ecological assessment which is a joint assessment for plots 1 and 2. A Preliminary Ecological Appraisal Report (PEA) was prepared by AVA Ecology, dated 09/06/21. From the preliminary survey the site is assessed as being of moderate ecological value. In the absence of mitigation, the development may result in impacts on wildlife and habitats affecting the following protected species:

- o Nesting Birds
- o Bats
- o Protected trees
- o Reptiles

The following key mitigation is recommended - Tree root protection zones established for any retained trees and consultation with the local authority tree officer prior to any works being carried out, vegetation removal to be carried out between September and February - outside the bird breeding season, a tree survey for bats must be carried out immediately prior to the removal or pruning of any trees with potential roosting features and a reptile survey will be required during the optimal survey period prior to any work commencing.

MCC ecologists have reviewed the PEA and agree with the conclusions. They offer no objection but outline conditions.

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. I & G Ecological Consulting were commissioned to produce a Biodiversity Enhancement Scheme following submission of a Preliminary Ecological Appraisal for plot 2. There is to be an area of woodland/trees retained and improved at the northern end of the site. Non-native Invasive Species (INNS), specifically Bamboo and Montbretia will be cleared from this area of retained woodland to allow ferns, Bluebell, and other native plants to thrive. The submitted Enhancement and Landscaping plan

includes biodiversity enhancements for birds, bats, reptiles, amphibians, invertebrates and hedgehogs. The area of woodland on the northern part of the site will be retained. The trees to be removed are shown on the Enhancement and Landscaping plan. The Non-native Invasive Species (INNS), specifically Bamboo and Montbretia, will be cleared from this area of retained woodland to allow ferns, Bluebell, and other native plants to grow. Wildflowers will be planted throughout the site. A SAB detention basin (Swale and Wildlife Pond) is to be located in the east side of the plot adjacent to the dwelling. These enhancements are considered proportionate to the scale of development and accord with the objectives of Policy NE1 of the LDP.

6.6 Impact on Amenity

The plot is surrounded by residential properties. To the south-east, opposite the site on the other side of Old School Hill is the modern property of Valdora. It has a low-level wall to the front and looks directly into the site. Given the difference in site levels, the occupiers of Valdora will be looking over the roof of the proposed new dwelling. It will face towards the blank side wall of the garage and the entrance hallway. As a result, there will be no significant loss of privacy and the proposed new dwelling will not have an overbearing impact.

To the north-east of the site is Hillcrest. That property has a small first-floor window facing towards the site. There is a conifer hedge within the boundary of Hillcrest as well as some mature trees within the application site. It is also proposed to erect a 1.8 metre high close boarded fence along the common boundary. At the lower ground floor level, the new dwelling will have an entrance doorway, surrounded by glazing and a high level window serving the living room, on the east elevation. There will be no loss of privacy as a result due to the existing vegetation and the proposed new close-boarded fence. At the upper ground floor level there will be one window on the south elevation; this serves a hallway and will be made up of obscure glazing, as annotated on the elevational drawing and will be secured by condition. To the north-west of the site is Tyr Ywen, but there will be over 65 metres between the rear elevation of that dwelling and the rear elevation of the proposed dwelling. The mature vegetation in the northern part of the site will be retained. Given the substantial distances involved and the intervening vegetation there will be no significant overlooking. To the south-west of the site there is the prospect for a new dwelling on plot 1 although no detailed planning permission has been granted for this yet. The only upper floor windows on the west elevation facing into plot 1 would serve a bathroom and en-suite which would be obscure glazed.

The proposal accords with the Council's normal privacy standard for new development. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. The site is located within a village that contains some facilities, but the majority of trips would have to be made by car. There is a bus stop within the village.

6.7.2 Access / Highway Safety

The proposed dwelling will have a shared access with plot 1. The details regarding the shared access have shown that the space is capable of ensuring all vehicles can manoeuvre on site to allow forward-facing access and egress and the highway authority offers no objection to the application. A single point of access for both properties opposite the residential access into Valdora, will achieve the required visibility in both directions. The increase in traffic movements resulting from an additional property along Old School Hill is not so significant as to justify refusal of the application. Old School Hill is narrow in places with cars in one direction having to stop to let others past, but that is the current situation. The proposal does not alter that fact and the increase in use of the road because of one additional dwelling would, as said, be minimal. The access into the site is designed

so that cars can enter directly and there will be no need to use an adjacent property as a turning area. The access and drive will be completed in a hard surface and the maximum gradient will not exceed 1 in 8 (12%).

6.7.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom for new dwellings up to a maximum of three per dwelling. In this case three off-road parking spaces are being provided at the front of the property. The proposal therefore accords with the adopted parking standards and complies with the objectives of Policy MV1 of the LDP.

6.8 Affordable Housing

Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is three or more units in Shirenewton/Mynyddbach, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The floor area of this property is 254.5m².

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%

In this case the CS rate is 120 and so the financial contribution required is £17,678.00.

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

6.9 Flooding

The site is not in a designated Flood Zone as identified in the TAN 15 Flood Maps.

6.10 Drainage

6.10.1 Foul Drainage

The application site is in an area served by mains drains and in such areas the foul drainage must discharge to mains. The applicant has indicated that this is the case. The proposed dwelling, as well as the proposed new dwelling on plot 1, would connect to the mains sewer network via an existing Welsh Water chamber located in the garden of Azalea Cottage. From there it will discharge to the Nash Waste Water Treatment Works. Welsh Water have offered no objection to the application but request a condition requiring that *surface* water does not enter the mains drains.

6.10.2 Surface Water Drainage

The applicant has indicated that surface water discharge will be by way of a soakaway. As per the Flood and Water Management Act 2010, a full Sustainable Drainage (SuDS) design will be created, the rainwater collection system combined with the Intensive Green Roofing also contributes to the design of the SuDS system. A full SuDS design would have to be in place prior to construction work starting. The site is of sufficient size to accommodate a form of sustainable drainage and this will be the subject of a separate SAB application.

6.11 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application *is outside of the SAC catchment* and

so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.12 Response to the Representations of Third Parties

The Local Member raised concerns over the shared access and how this will work in practice, suggesting confirmation from the Council's Legal team and also suggesting a Grampian condition to ensure that there will be no occupation of either dwelling until the driveway has been completed. Condition 8 would cover this element.

Shirenewton Community Council has concerns regarding the colour of the proposed timber cladding. A condition will be imposed that samples of all of the finishing materials will be submitted to and approved by the planning authority prior to work commencing. The Community Council also seek clarification over the section 106 agreement for a financial contribution for affordable housing. This is addressed in paragraph 6.8 above and conforms to the formula in the SPG on Affordable Housing.

An ecology report outlining detailed mitigation and biodiversity enhancements has been submitted as part of the application, as was a detailed Design & Access Statement which demonstrated how the proposed dwelling would contribute to a sense of place.

The occupiers of the adjoining property Hillcrest have raised concern over the level of overlooking from the proposed upper floor window that serves the hallway. In response to this the plans have been amended and this window will be of obscure glazing. In addition to this a 1.8 metre high close boarded fence will be positioned along the common boundary as the neighbours consider that existing trees on the boundary may be damaged by the excavation work on the site. Additional concerns are raised relating to the appearance of the parking provision when viewed from the road, however only the parking space will be visible and not the accommodation below.

The respondents sought clarification over the number of bedrooms being proposed. The plans show three bedrooms, but it is possible that two other rooms namely the office and the craft room could also be used as bedrooms. There is no requirement to specify what an internal space will be used for. The LPA has no control over the use of internal space and there is no difference in relation to parking requirements if this is a three bedroom dwelling or a five bedroom dwelling.

6.13 Planning Obligations

A financial contribution to affordable housing in the local area for £ 17,678.00.00

6.14 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.

6.15 Conclusion

The site is located within the village development boundary within which both Policy S1 and H2 of the LDP presume in favour of the principle of new residential development. PPW states that proposals for housing on infill sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

The proposal also accords with the advice in the adopted SPG for Infill Development and has an acceptable impact on the residential amenity in accordance with Policy EP1 of the LDP. The design of the proposed new dwelling is acceptable and respects the character of the surrounding area. The

proposal accords with the objectives of policy DES1 which seeks high quality sustainable design that respects the character of the area. Adequate access and parking provision will be provided within the site and the proposal accords with Policy MV1 of the LDP. Biodiversity enhancements are being provided ensuring that the proposal accords with Policy MV1 of the LDP.

The proposal is policy compliant in all respects and accords with the objectives of PPW11 and the policies of the LDP. Thus, the application is recommended for approval.

7.0 RECOMMENDATION: APPROVE

Subject to a section 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution towards affordable housing in the local area of £17,678.00

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

Conditions:

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

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

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

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

3 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

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 residential amenity in accordance with Policy EP1 of the LDP

5 None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with Policy LDP G11.

6 A representative sample of the proposed finishing materials, the timber cladding and the natural stone shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character of the area in accordance with Policy DES1 of the LDP

7 The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the highway boundary. The access shall be constructed with 45°

ease of access splays which shall be a minimum of 3m either side of the driveway. The actual driveway width shall be 5m. Gates if provided shall not open outwards and shall be set back a minimum of 5m from the highway boundary. The maximum gradient of the access shall not exceed 1 in 8 (12%).

REASON: In the interests of Highway safety in accordance with Policy MV1 of the LDP

8 No development hereby approved other than that associated with the proposed accesses shall commence until the access has been constructed in accordance with the approved plans.

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

9 The window on the upper ground floor of the east elevation serving the hallway shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP policies DES1 and EP1.

10. Trees T22 (cherry tree), T23 (large oak tree) or the unnumbered neighbouring walnut tree beyond the southwestern boundary, must be inspected by a licenced bat ecologist prior to any pruning or clearance works, as detailed in the 'Preliminary Ecological Appraisal Report for site at Azalea Cottage, Mynydd-Bach Monmouthshire, produced by AVA Ecology, dated 26 April 2021'.

Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2010.

11. No development, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include details of measures to protect:

- 1) Nesting Birds
- 2) Common reptile species
- 3) Hedgehogs

The construction Method Statement shall thereafter be implemented in full.

Reason: Safeguarding of protected and priority species during construction works LDP Policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

12. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

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

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

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

14. The 'Biodiversity Enhancement Scheme at Land at Plot 2 Azalea Cottage, Mynydd-bach, Monmouthshire, produced by I&G Ecological Consulting Ltd, dated January 2022' which illustrates the design and location of ecological enhancement measures shall be implemented in full and

shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP Policy NE1.

Informative

SAB INFORMATIVE: Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site is potentially in excess of the 100 m² threshold. Total construction area includes existing buildings that are being replaced, re roofed, removed or patio/driveway areas including permeable surfacing. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.

Application Number: DM/2022/00514

Proposal: Demolition of existing buildings and erection of 2no. new buildings incorporating retail space, storage and ancillary offices associated with existing retail business. Improvements to existing carpark

Address: Usk Garden Centre, Llanbadoc, Usk

Applicant: Morris's Of Usk Limited

Plans: Site Plan 1659(PL)01 - Rev A, Location Plan 1659(PL)06 - , Elevations - Proposed 1659(PL)07 - ,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 01.04.2022

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing garden centre on the A472 between Usk and Llangybi in the area of Llanbadoc.

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

1.2 Value Added

Site layout drawing '1659[PL] 02A' has been submitted which now shows a fully detailed car parking layout, comprising of 122 car parking spaces with an additional 12 spaces reserved for disabled users. As part of the revised scheme the existing access onto adjacent public highway has been re-engineered to provide an improvement to access and egress.

Additional planting and a sustainable drainage strategy have now also been added to the proposal.

1.3 Proposal Description

It is proposed to demolish an area of glass houses and also an existing food preparation area and All-Terrain Vehicle (ATV) building and replace them with two new buildings. It is also proposed to extend and improve the existing overflow car parking area.

The proposed new buildings are to accommodate existing facilities already on site. The proposals are intended to improve the existing accommodation and make the existing business more efficient. The proposed new building for the 'ATV' is a replacement of the existing building already on site that is already used for this purpose. The new food preparation area is an improvement of the existing food preparation space. The new building for vegetable store and staff rest room replaces the existing building on site. The new office space will replace the existing office accommodation on site. As such, the proposals do not provide any additional facilities to those already on site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00865	Proposed steel framed building to be used as storage of crops, barley, wheat, rape seed oil, hay and straw.	Acceptable	06.07.2018
DM/2018/00978	Proposed extension to retail space including demolition of adjacent brick retail building.	Approved	01.08.2018
DM/2018/01086	Change of use from existing Garden Centre ancillary storage building to display, sale and servicing of All Terrain Vehicles (ATVs).	Approved	01.11.2018
DM/2021/01023	Proposed Extension to Retail Space (Gross External Floor Area 98m2) along with internal and external alterations.	Approved	20.08.2021
DM/2022/00067	Proposed extension to retail space (gross external floor area 53.5m2).	Approved	01.04.2022
DC/2012/00953	Relocation of horticultural glass houses and erection of new compost store/packing building	Approved	21.02.2013
DC/2016/01377	Proposed extension to retail space.	Approved	20.01.2017
DC/2011/01057	Demolition of existing store building and construction of new building.	Approved	08.12.2011

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character

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

Llanbadoc Community Council - Recommends approval.

MCC Highways - The Highway Authority have been reconsulted on the application following the submission of revised details in response to the comments below.

Site layout drawing '1659[PL] 02A' has been submitted which now shows a fully detailed car parking layout, comprising of 122 car parking spaces with an additional 12 spaces reserved for disabled users. As part of the revised scheme the existing access onto the adjacent public highway has been reengineered to provide an improvement to access and egress.

The Highway Authority requested that a detailed comparison be made between the existing car parking provision and proposed however having considered the detailed revised layout it can clearly be seen that the overall car parking layout is a considerable improvement over the existing in terms of numbers, orientation and management. Furthermore, when taking into consideration the existing overall retail floor space of the site it is clear that there is an actual loss of overall floor through the demolition of existing buildings and replacement with new, therefore there is a considerable net gain in car parking spaces.

Regarding the request for a Transport Statement taking account of existing and projected traffic flows the applicant has issued the following statement: -

'With regard to request for a Transport Statement please note that the proposals will not create any additional traffic flow. The proposed new buildings are to accommodate existing facilities already on site. The proposals are intended to improve the existing accommodation and make the existing business more efficient. The proposed new building for the 'ATV' is a replacement of the existing building already on site that is already used for this purpose. The new food prep area is an

improvement of the existing food prep space. The new building for vegetable store and staff rest room replaces the existing building on site. The new office space will replace the existing office accommodation on site. The proposals do not provide any additional facilities to those already on site. The proposals will not create any additional traffic flow volume'.

In light of the above statement and the fact that the overall retail floor space on site is to be reduced it is accepted that the proposed on-site improvements will not have a detrimental impact on the overall safety and capacity of the existing highway network. Therefore, there are no highway grounds to object to the application.

MCC Biodiversity - No objections subject to conditions (CEMP and lighting).

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Five representations received. Object on the following grounds:

- There has been a significant traffic increase and danger created locally in Llanbadoc since the substantial increase visitor / shopper numbers to the garden centre.
- We would like to see a reduction in the speed limit and the inclusion of radar speed signs along the road between the garden centre and the church.
- If new buildings are erected this will seriously impact an already bad flooding situation in the village by reducing the area in which rainwater can soakaway.
- Request that any approval of this application is subject to a reduction in the speed limit on this road. In addition an improvement to the access of the site so that ingress and egress may occur simultaneously.
- Increase the traffic passing through Usk main Street in order to access the Garden Centre.

One general comment:

Although we have no objections to the Morris' planning application, we wish to bring to the Council's notice the increase in traffic we have observed over the number of years. We are also mindful of the seasonal business and fluctuating traffic volumes during busy/quiet trading periods at the Garden Centre. However certain motorists regard the straight stretch of road between Llanbadoc Church and the sharp bend in front of our house (past the Garden Centre) as an opportunity to experience a speed thrill ride. We have observed these motorists overtaking vehicles with near misses when they suddenly have to break to avoid oncoming vehicles and the sharp bend in the road. The opposite side of the road has a similar problem where motorists 'rev up' at dangerous speeds from the sharp bend and past the Garden Centre and Prospect Cottages as they head towards Usk. By way of note these rogue motorists do not appear to be visitors to the Garden Centre who tend to slow down in order to turn in. We are therefore taking this opportunity to request Monmouthshire County Council ("the Council") to enforce a 30mph speed limit between the Usk Rugby Club and Hanley Court to avoid potential accidents. We are urging the Council to enforce the above-requested speed restriction before a serious accident occurs.

5.3 Other Representations

None.

5.4 Local Member Representations

County Councillor Tony Kear - I have no objection per se in what has been proposed at the Morris's Garden Centre planning application. However, it's clear that there has been a gradual shift in the increase by stealth in traffic movements / volumes along the approaches as the Garden Centre has been repositioning itself into greater floor space use for retail goods as opposed to a more traditional Garden Centre. Local Residents have made representations on such matters to me. Such investment and modernisation is to be applauded and essential whilst noting the

considerable local employment this provides. The growing success of the outlet has however, undoubtedly seen higher traffic movements.

With Active Travel now becoming higher on the agenda in Monmouthshire and an increasing number of residents walking to the Garden Centre to shop - no doubt as part of the "Shop Local" efforts - MCC should look:-

a) closely at the potential of traffic volume increases.

b) to bring in tighter / better speed restrictions (30 mph) and monitoring for safety reasons on either approach to the Garden Centre.

c) to ensure wider / better pavement space. It is not currently possible to pass anyone on the pavement without stepping into the road itself and the current surface is unacceptably poor / hazardous.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 The proposed new ATV sales and Farm Shop/Meet cutting building will be single-storey and located to the northwest of the entrance to the main part of the garden centre. It would be a simple shed type building, similar in appearance to the other existing buildings on the site. The proposed new vegetable store, staff room and office building would also be to the north west of the main entrance. It would be two-storey and be attached to the existing compost store. The external materials for both buildings would be colour-coated profiled metal composite cladding for the walls and roofs with powder coated aluminium windows and doors and metal gutter and downpipes - all to match the existing. Proposed additional planting will screen and subdivide the parking area to provide a softer appearance for the overall site.

6.1.2 It is considered that the new buildings will be in keeping with the existing site. The additional planting will improve the appearance of the site and reduce the wider landscape impact. As such it is considered that there is no conflict with LDP Policies DES1, LC1 or LC5 of the LDP.

6.2 Foul Drainage (Phosphates)

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

6.2.2 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Any development that does not increase the volume of foul wastewater. The WC proposed in the new building is relocated from the existing building and there is an overall reduction in floor area. As such there will be no increase in foul water flows.

6.3 Impact on Residential Amenity

6.3.1 The proposed development site is self-contained and not within close proximity of any neighbouring dwellings that could be adversely affected by the proposed buildings. As such there is no conflict with the provisions of LDP Policy EP1.

6.3.2 The impact of traffic is considered below.

6.4 Access / Highway Safety

6.4.1 Parking spaces are 2.6m x 4.8m and designated disabled parking spaces are also provided. Disabled spaces are 3.6m wide. The proposed car park improvements will include permeable block paving and sustainable drainage 'SuDS' features.

6.4.2 The proposed new buildings are to accommodate existing facilities already on site. As such, the proposals do not provide any additional facilities to those already on site and will not therefore directly create any additional traffic flow volume.

6.4.3 In light of the above and the fact that the overall retail floor space on site is to be reduced, the Council's Highway Engineer accepts that the proposed on-site improvements will not have a detrimental impact on the overall safety and capacity of the existing highway network. Therefore, there are no highway grounds to object to the application.

6.4.4 The requests by local residents and the Local Member for the speed limit to be reduced refer to an existing issue with speeding vehicles and although it is acknowledged that this is of concern, is not an issue that is directly related to this application and in any case is a matter dealt with under Highways legislation.

6.5 Biodiversity

6.5.1 Following a review of the submitted information, the Council's Biodiversity & Ecology Officer is content that sufficient evidence has been provided and a further Preliminary Roost Assessment is not required at this property.

6.5.2 The site is surrounded by optimal habitat for light-sensitive commuting and foraging bat species, including boundary hedgerows and the River Usk 300m to the east. The proposals for the car park could result in an increase in lighting unless carefully designed. Floodlighting will need to be avoided and light fittings will need to be fitted with PIR sensors on a short-duration timer. A detailed lighting specification will need to be secured by condition should Members be minded to approve the application.

6.5.3 Due to the presence of hedgerows surrounding the site, and a pond within 90m, it is recommended that a Construction Environmental Management Plan (CEMP) is produced to minimise potential impacts from construction works on adjacent habitats.

6.5.4 Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The proposals for new soft landscaping within the north-west of the site is welcomed. However, further biodiversity net benefit measures are required as detailed in PPW 11 above. Nest boxes could be installed onto new buildings to provide nesting opportunities for bats and birds. A site plan will need to be annotated to provide the location, positioning and specification of the net benefit measures. This can be secured via condition should Members be minded to approve the application.

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

6.6.1 Concerns have been raised locally in relation to increased traffic flows around the site. The proposed new buildings are to accommodate existing facilities already on site and are intended to improve the existing accommodation, making the existing business more efficient. As such, the proposals do not provide any additional facilities to those already on site and therefore would not create any additional traffic flow volume.

6.6.2 Some concerns have also been raised in relation to surface water and increased flooding. As such, the applicant has provided a Sustainable Drainage Strategy. As set out and described in the

strategy, the proposed car park improvements which form part of the application will include permeable paving and sustainable drainage 'SuDS' features. The SuDS strategy consists of permeable surfaces with attenuation and soft landscaping with swales draining to the existing ditch that runs along the northern and eastern edge of the site. The existing boundary hedges will be retained. The strategy reduces peak flows, reduces the volume of run-off and slows down flows and therefore represents an enhancement from current drainage conditions at the site. The SuDS features proposed will reduce the risk of flooding to the site and immediately surrounding off-site areas and provide water quality, amenity and biodiversity benefits. The SuDS will be designed to comply with the Welsh Government document 'Statutory standards for sustainable drainage systems' and a Full application will be submitted to the Council SuDS Approving Body (SAB) for approval.

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

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

6.8 Conclusion

6.8.1 The proposed improvements to the existing garden centre business are acceptable in principle in line with LDP Policy S10.

6.8.2 The proposed new buildings are to accommodate existing facilities already on site intended to improve the existing accommodation and make the existing business more efficient. As such, the proposals do not provide any additional facilities to those already on site and therefore should not create any additional traffic flow volume.

6.8.3 A SuDS strategy has been provided for the proposed car park improvements. This will ensure that any additional surface water is properly managed so as not to increase the risk of flooding. This will also include additional soft landscaping which will in turn provide biodiversity enhancement.

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 take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- 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.

The approved CEMP shall be adhered to throughout the construction period.

Reason: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on site until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

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

5 No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7 No development hereby approved other than that associated with the proposed access improvements shall commence until the access improvements have been constructed in accordance with the approved plans (1659[PL] 02 A).

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

INFORMATIVE:

1. In respect of condition 3 above, see BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

Application Number: DM/2022/00696

Proposal: Proposed single storey front extension

Address: Arosfa, Llanfair Discoed, Monmouthshire, NP16 6LY

Applicant: Mr Duffield

Plans: Block Plan Dated 13.07.2022 - , Other Shading - Summer - Page 1, Other Shading - March/Sept - Page 2, Other Shading - December - Page 3, Elevations - Existing - , Other Biodiversity Statement - , Location Plan - , Block Plan With 45 degree rule - , Elevations - Proposed Dated 13.07.2022 - ,

RECOMMENDATION: Approve

Case Officer: Mr Ryan Bentley
Date Valid: 09.05.2022

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a semi-detached two-storey dwelling located in a rural area on the outskirts of the minor village, Llanvair Discoed. The site is located just off the road from Dovecote Barn to A48 and is not located within a Development Boundary. Therefore, the application is subject to Policy H6 of the adopted Local Development Plan (LDP).

1.2 Value Added

The applicant has provided amended plans that detail a bird box is to be fitted within the rear garden. A log pile and rock pile are also proposed within the garden which will provide a home for wildlife. Further details can be found in the supporting biodiversity statement. This would serve as biodiversity enhancement.

The proposed extension has not been amended to date. The drainage on the site has been amended to include a new soakaway within the front garden. Plans have also been submitted to show the potential overshadowing of the adjoining property, Cartref.

1.3 Proposal Description

Planning permission is sought for the erection of a single storey extension to the principal elevation of the dwelling. The site has previously had a two-storey side extension approved in 2013, under application no. DC/2013/00562. The proposed extension will be located 1m from the boundary of the property. The extension will measure 4m in length and will be 3.6m in width. The height to the eaves will be 2.5m and the height to the ridge will be 3.5m. The external walls will be finished in a render to match the existing. The hipped roof on the extension will have composite slate tiles. On the south elevation, there will be bifold doors. There will be a window located on the front (west) elevation. This will be white upvc.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00696	Proposed single storey front extension.	Pending Consideration	
DC/2005/01402	Ground floor extension to side of existing semi-detached house to provide dining/kitchen facility	Approved	30.05.2006
DC/2013/00562	Two storey extension to side of existing semi-detached dwelling house	Approved	21.10.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H6 LDP Extension of Rural Dwellings
NE1 LDP Nature Conservation and Development

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

Caerwent Community Council - recommends refusal. Commented that this is due to rulings from Welsh Government and from within the Local Development Plan H6 - (Extensions & Rural Dwellings) and also H4 (part d and f) which mentions that extensions should be modest or subordinate to the existing dwelling. This proposal does not conform to these as the development allowance has already been exceeded. There are no other extensions attached to the front elevation of any other dwellings in the local area. This does not conform to the vernacular of the area and is totally out of keeping.

5.2 Neighbour Notification

Three neighbour comments have been received, with two from the same household. They have objected for the following reasons:

- Accuracy of the application
- Overdevelopment
- Design and impact on the character of the dwelling and the surrounding area.
- Impact on neighbour amenity - overshadowing and damp
- Drainage
- Impact on biodiversity
- Impact on Green Belt
- If not allowed under permitted development, why should it be allowed under planning control.

In the event of planning being granted could the following conditions be included:

1/ The land adjacent to our houses is joint access. No building material, vehicle or plant should be placed on there. All materials etc to be sited within Arosfa's property. Given the unspoiled beauty of the area one can reasonably anticipate that builders/contractor may take the easy option during construction to use this site as they did in 2013. Further this area contains a right of way for the farmer to his field and needs to be accessible 24-7.

2/ In the event of power being disrupted to us we are provided with generated power to enable my disabled wife to use her mobility aids (e.g. toilet lift).

5.3 Local Member Representations

Cllr P Murphy - requests that the application be presented to Committee.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 The dwelling is not considered to be a traditional rural dwelling like a cottage. The building is a typical semi-detached post war property which has been modernised and extended. Nevertheless, the proposed single storey extension, despite being at the front of the building, represents a modest addition to the dwelling that would clearly read as a secondary and subordinate element. The extension would be limited to the ground floor, set lower than the main roof ridge with a modest footprint. The extension incorporates a large section of glazing on the south and west elevations which will provide solar gain to the property and will allow natural light to enter the dwelling.

6.1.2 The semi-detached properties have been altered over the years, with Arosfa having a two-storey extension approved in 2013. Therefore, the properties are no longer considered to mirror one another and the original traditional nature of the buildings has been lost over time. In the

surrounding area there are a number of similar semi-detached dwellings. These properties have had a range of alterations to the principal elevation. Whilst it is recognised that these are mostly front porches, they are all different and there is no uniform design. It is noted that this extension will be larger than those on the neighbouring properties but it is not considered to be of an unacceptable size. It is also considered that a sufficient area of amenity space would be retained to offset the structure and prevent the appearance of overdevelopment.

6.1.3 From a visual impact perspective, the dwelling is raised compared to the level of the road. There is an existing 1.8m high fence located on the boundary along the road which reduces the visual impact as it screens a portion of the property when travelling along the road. Therefore, the visual impact of the development on the wider landscape is considered to be negligible.

6.1.4 Planning Policy H6 states that in order to protect the character of the countryside extensions to dwellings outside village boundaries should be modest and respect or enhance the appearance of the existing dwelling. They will be required to:

- a) be subordinate to the existing building; and
- b) where the building is of a traditional nature, to respect its existing form, including the pattern and shape of openings, and materials.

The Supplementary Planning Guidance for Policies H5 and H6 (April 2015) section 3.9 states that where a dwelling that is proposed for extension is of no particular merit or where its original character has been lost through previous unsympathetic alteration and/or extension, the primary consideration in assessing any proposal will be the need to ensure that there is no significant harmful impact on the countryside through the increased size of the resulting building.

It is recognised that the property has previously been increased by 46% when the two-storey extension was approved. The single storey extension to the front represents 15% which will increase the overall volume of the property by 61% from its original state (prior to 2013). As the H6 Supplementary Planning Guidance states, a larger volume will not normally be allowed unless it can be clearly demonstrated either that there will be no harmful intrusive impact in the landscape through the increased size of the dwelling or that there is an enhancement in the appearance of the existing dwelling, subject, in any event, to the increase in volume being no more than 50%. Attention should be drawn to section 3.3 of the H6 SPG that states:

"Any extension that will result in an increase of more than 50% in the volume of a rural dwelling will not normally be considered to comply with Policy H6."

It is noted that the extension will have a cumulative volume increase of over 50%. The guidance notes states that whilst it is not normal for extensions of over 50% to be allowed, there may be scope for development of over 50%. The guidance also sets out, 'Where a dwelling that is proposed for extension is of no particular merit or where its original character has been lost through previous unsympathetic alteration and/or extension, the primary consideration in assessing any proposal will be the need to ensure that there is no significant harmful impact on the countryside through the increased size of the resulting building.' It must also be made clear that this document is to be used as guidance and that Policy H6 states that the extension must be subordinate to the main dwelling. In conclusion, it is considered the design, form, siting and appearance of the works would be subordinate and would not have a detrimental impact on the overall character and appearance of the immediate or wider rural area. Therefore it is considered to meet the relevant criteria of policies DES1 and H6 of the adopted LDP.

6.2 Impact on Residential Amenity

6.2.1 Firstly, with regard to scale, the proposed single storey extension is of a modest form and is located 1m away from the common boundary. Concerns have been raised that the development will cause overshadowing of the adjoining property. The applicant has submitted amended plans that detail the 45 degree rule and the potential for overshadowing. It is noted that the extension will be located to the south of the neighbouring property. As the roof is hipped and the extension is single storey, this reduces the level of overshadowing that is caused by the development. The summer drawing shows that there will be no impact on Cartref. In the spring/autumn, the plans

show that there will be a limited amount of shadowing to Cartref. On the winter plan, there is potential for a limited level of overshadowing to Cartref but this will reduce as the day goes on and there is less light in the winter. Due to the nature of the extension and the limited impact on the neighbour, this is considered to be acceptable. The 45 degree rule also clearly shows that no loss of light will be caused to a habitable room. Therefore, the scale of the development is considered to be acceptable.

6.2.2 With regard to privacy, the property is in a rural area and there are no neighbours to the south, east or west of the property. There are no proposed windows on the north elevation which faces the neighbouring property, Cartref. As the extension is also single storey, by nature, it is not considered to cause an unacceptable loss of privacy. It is considered that the proposal would not result in an unacceptable impact upon the living conditions of neighbouring occupiers. The proposal is therefore considered to adhere to the relevant criteria within policies DES1 and EP1 of the adopted LDP.

6.3 Biodiversity

6.3.1 Having regard to PPW 11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has updated the submitted drawings that would see a bird box fitted within the rear garden. A log pile and rock pile are also proposed within the garden which will provide a home for wildlife. Further details can be found in the supporting biodiversity statement. It is therefore considered on balance that the proposal accords with Policy NE1 of the adopted LDP.

6.3.2 It is noted that the location of the dwelling is potentially suitable for wildlife but the roof is tight and when conducting the site visit it was confirmed that the roof was in good condition. The proposal also does not require any alterations to the roof of the main dwelling as it is single storey and lower than the existing eaves. Therefore, on balance, it is considered that a bat survey is not required for the application.

6.3.3 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

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

6.4.1 It is noted that Caerwent Community Council recommends refusal. It should be stated that Policy H4 does not apply to this application as this refers to the conversion/rehabilitation of buildings for residential use. There has been no change of use regarding the building. With regards to the development allowance being exceeded, the report has covered these points in section 6.1.4. With regards to alterations to the front elevation on neighbouring dwellings, this has been covered in section 6.1.2.

6.4.2 Concerns have been raised over the accuracy of the application. This related mainly to the application form and the size of the fence on the common boundary. Following discussion with the agent these concerns have been addressed.

6.4.3 With regard to overdevelopment and design/impact on the local character of the area, this has been covered in section 6.1.4 of the report. Further comments have been received regarding the accuracy of the volume calculations. The volume calculations as submitted are considered to be accurate and take into account the original dwelling volume and the extension in 2013. The attached outbuilding has been included in these figures due to its nature and it being demolished

to accommodate the extension in 2013. The inclusion of this in the volume calculations is not considered to be double counting and the volume increase of the resulting development is 61%.

6.4.5 The impact on the neighbour, Cartref, has been addressed in section 6.2 of the report. Further comments have been received mentioning that the shadowing caused by the fence is a red herring as this will be replaced in due course, probably with open chain link. The submitted plans indicate the fence as it currently stands and future boundary treatments between the two dwellings cannot be anticipated. The degree of overshadowing is not considered to be harmful.

6.4.6 With regards to the drainage at the site, the agent has provided amended plans that detail rainwater drainage from the extension will be directed towards a new soakaway in the front garden. This is considered to be acceptable. Further comments have been received regarding the positioning of the soakaway. The plans as submitted are acceptable from a planning perspective. If any issues arise with the location of the soakaway, this will be covered by the Building Control officer.

6.4.7 With regard to the potential impact on biodiversity, specifically bats, this has been addressed in section 6.3.2. The proposed extension is not located near to the existing roof and the potential impact of the development is not considered to require a bat survey.

6.4.8 With regard to the impact on the Green Belt, the application is a householder extension to an existing dwelling. Due to the nature and size of the extension it is not considered to have an unacceptable impact on the Green Belt.

6.4.9 With regards to the comments about permitted development, just because an extension does not conform to permitted development does not mean that it is unacceptable. If the front extension was to be located on the rear elevation of the property then it would be classed as permitted development. As the extension is located forward of the principal elevation it requires planning permission and is subject to the relevant planning policies and considerations. Following evaluation, as the report states, due to the nature and scale of the development, it is considered to be acceptable.

6.4.10 With regards to the requested conditions, the neighbour has highlighted some concerns in relation to the electricity supply and the storage of building materials within a shared access. These are not issues that can be subject to planning control.

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

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

6.6 Conclusion

6.6.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 The net biodiversity enhancement measures shall be installed in accordance with the details shown on the supporting document "Biodiversity Statement" and drawing "Block Plan dated 13.07.2022" within one month of the single storey extension hereby approved being brought into beneficial use and retained as such in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

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Application Number: DM/2022/00851

Proposal: Hard path around recreation field

Address: Recreation Ground, Earlswood Road, Shirenewton

Applicant: Clerk Shirenewton CC - Natasha Jones

RECOMMENDATION: Approve

Case Officer: Mr Adam Foote
Date Valid: 07.07.2022

This application is presented to Planning Committee due to objections received from the public consultation

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises the Recreation Ground on Earlswood Road, Shirenewton. The site is at the edge of the village and comprises playing fields, tennis court, Recreation Hall and a children's play park. The Recreation Ground is outside of the defined settlement boundary, is within the Shirenewton Conservation Area and is designated as an Area of Amenity Importance by the Local Development Plan. Part of the site is within a limestone mineral safeguarding area. A number of trees covered by Tree Preservation Orders line the eastern boundary of the Recreation Ground. A Public Right of Way/ Promoted Walking Route runs through the site.

1.2 Proposal Description

This application seeks consent for the construction of an accessible path to allow access for all users constructed of hardcore/cinder using locally sourced waste materials. The scheme would include the addition of exercise/recreation features, a planting scheme and additional tables/benches within the site. The scale, design and position of the development is illustrated in full on the submitted drawings.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00851	Hard path around recreation field.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
S5 LDP Community and Recreation Facilities

Development Management Policies

CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision
CRF3 LDP Safeguarding Existing Recreational Facilities and Public Open Space
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
HE1 LDP Development in Conservation Areas
LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure

Supplementary Planning Guidance

Green Infrastructure April 2015

Conservation Area Appraisal

Shirenewton Conservation Area Appraisal

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11
Environment (Wales) Act 2016
Technical advice note (TAN) 16: sport, recreation and open space
Technical advice note (TAN) 24: the historic environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council: No comment as the CC are the applicants.

MCC Landscape / GI: Provisional holding objection, conditions recommended to overcome this.

MCC Trees: No reply.

MCC Heritage: No objection.

MCC Public Rights of Way: No objection.

5.2 Neighbour Notification

This application was advertised by means of site notices and direct neighbour consultation. At the point of writing 27 replies have been received. One in support and 26 in opposition.

Support for the improved access for all and to support a facility that supports the well-being of the community

Objections based on:
Harms views into and out of the area/conservation area

Overlooking into neighbouring property
Restricts use of the field
Changes the character of open fields to a park like setting
Limits opportunities for sport
No consultation with residents
Waste of money
Safeguarding issues for adjacent playgroup
Issues with rights of access
Too many trees and potential for tree litter.
Ownership and lease issues.

5.3 Local Member Representations

None.

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

As the site is outside of the defined settlement boundary the land is classified as open countryside where development is strictly controlled and only appropriate forms of development for such locations will be considered acceptable. The application site comprises an existing recreation field directly adjacent to the settlement. Therefore no objection is raised to the principle of enhancing the offering of the existing community facility.

LDP Policy CRF3 is applicable in establishing the principle of the development as it relates explicitly to safeguarding existing recreational facilities and public open space, and states;

"Development proposals that involve the loss of land and facilities with open space, recreational and allotment garden uses, will only be permitted where:

- a) alternative provision of at least equivalent community benefit is made available in the locality by the developer on a site acceptable to the local planning authority; or
- b) there is, and would be, an excess of accessible recreational facilities and public open space in the locality, having regard to the standards set out in Policy CRF2".

In this instance, the proposed path would provide accessible access to the recreation ground and offer an enhanced offering to its users. There would be no conflict with the requirements of Policy CRF2.

Policy DES2 is applicable as it relates to areas of amenity importance. DES2 states; "Development proposals on areas of amenity importance will only be permitted if there is no unacceptable adverse effect on any of the following:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;
- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;
- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features (policy NE1 applies)

In this instance, the proposal is not considered to result in any unacceptable adverse visual impact or in relation to its impact upon the character of the area. The development of the path around an existing designated recreation area is not considered to result in any unacceptable landscape impact. The proposal would not encroach on the sports pitch or restrict its future use and would provide additional access/connectivity to currently unused and less accessible areas of the site. Additional information would be needed in relation to the proposed recreation equipment but given the proposed siting and level of screening this is not considered to be of significant concern and such details can be submitted at a later stage and controlled via condition.

Planning Policy Wales Ed.11 identifies community facilities as a key factor in its place making objectives and expands upon the importance of recreation facilities stating, "Recreational spaces are vital for our health, well-being and amenity, and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales" and that "Planning authorities should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use".

6.2 Sustainability

The application site is easily accessible from the village via sustainable modes of transport. No objection is raised to the enhancement of an existing community facility/recreation ground on sustainability grounds.

6.2.1 Place Making/Good Design

The proposed development would increase the accessibility of the existing recreation ground to a wider range of users for extended periods of time. The proposal would utilise the existing access points and provide a greater amount of permeability though the site for users. PPW11 promotes community facilities as a key factor in its placemaking objective, therefore an enhanced facility with greater accessibility is considered to accord with such objectives. The path follows a logical loop around the field with recreation facilities well placed to minimise disturbance to neighbouring occupiers. The proposed planting scheme is considered to further contribute to the amenity of the area providing a positive addition to this edge of settlement location. The scheme is not considered to harm views into and out of the area and would enhance the character of the space as a multi-use recreation facility. This is not considered to have an adverse impact on the landscape setting. Additional details will be required relating to the proposed materials, planting, and the scale, design and finish of the recreation facilities and street furniture, however, this can be controlled via condition and submitted at a later date.

6.2.3 Biodiversity/Green Infrastructure

Policies GI1 and NE1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the afore mentioned features and to mitigate against the effects of climate change. The proposal includes a significant amount of planting on site, this is considered sufficient to meet the objectives of the aforementioned policies and to satisfy the requirements of the Environment Wales Act.

6.3 Landscape

The construction of a path and addition of recreation equipment in an existing recreation ground adjacent to a village is not considered to result in any unacceptable impact upon the wider landscape, nor is additional planting around its perimeter. Additional details are required to be submitted in relation to the scale, design and colour of the proposed furniture and recreation equipment. The siting of such elements is not considered to be harmful to the landscape character of the area in this setting. It is also not considered that the development as proposed would harm the character of the area. It is considered that the additional equipment, pathways and landscaping complement the existing use and respect the context of the landscape setting.

6.4 Historic Environment

The application site is within the Shirenewton Conservation Area. Due to the existing use and the nature of the development it is not considered that the proposed development would be harmful to the special character of the area or conflict with the requirements of LDP Policy HE1. The Council's Heritage Officer has been consulted and raised no objection to the proposed development although it was suggested that conditions for the details of play equipment and the materials for the path be approved by the LPA at a later date.

6.5 Impact on Amenity

There are a number of properties to the north of the site separated by the road. Given the scale of the development and the separation of the road, it is not considered that this would have an adverse impact on the amenity of the occupiers.

To the west there are four properties, namely Wentworth, Crestleigh, Church House and Longmeads. Wentworth and Crestleigh are closest to the boundary of the site, at approximately 4.2m at the closest point. The path to the west of the site is set back from the boundary between 8m and 11m given the varied boundary line. In addition it is proposed that the play equipment would be located to the northern and western end of the ground. Additional planting and hedgerow will provide additional green infrastructure to this portion of the site. Given the current use of the site, it is not considered that the pathway as proposed will have an adverse impact on the amenity of the properties to the west of the site.

There are no properties close to the south or east of the site.

The overall development and its relationship with neighbouring occupiers is considered to be acceptable. The proposed path by virtue of its scale and siting is not considered to result in an unacceptable impact upon the living conditions of neighbouring occupiers. The proposed planting, recreation equipment and benches are considered to be well located so as to minimise any disruption to local residents. The proposal is designed to make the recreation ground more useable/accessible which may increase the number of users however given its location and the level of facilities proposed it is not anticipated that there will be a significant increase in users that would result in any unacceptable impact upon the living conditions of neighbouring occupiers. It must be acknowledged that the recreation ground is existing and there is potential for a level of disturbance to arise from users and this application will not provide additional access to the site but will increase its accessibility.

6.6 Highways

No alterations are proposed to the access or parking provision as part of this application and therefore no concern is raised in this respect.

6.7 Drainage

Due to the scale of the development site SuDs approval is likely to be required. This is a separate consent from planning controlled under separate legislation outside the remit of the Town and Country Planning Act. The applicants will likely require SAB approval prior to the commencement of the development; a suitably worded informative is suggested.

6.8 Mineral Safeguarding

Part of the site falls within a mineral (limestone) safeguarding area and therefore LDP Policy M2 is applicable. In this instance, the proposed site has a lawful, established use as a recreation facility and is protected as such under policy DES2 of the Monmouthshire LDP therefore the proposed development is not considered to further restrict the access/potential of such extractions in future.

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

6.5.1 No objections have been received from the Community Council. All responses have been from neighbours, these are summarised below.

Harms views into and out of the area/conservation area

This has been addressed in para 6.4 above. There are no adverse comments from the Authority's Heritage Officer.

Overlooking into neighbouring property

This has been addressed in para 6.5 above. The proposal is for a path, associated landscaping and some play equipment within the current designated recreational ground. Therefore the development is not considered to increase overlooking to a harmful extent give the current use of the land.

Restricts use of the field/ limits opportunity for sport

It is not considered that the pathway or equipment would impinge on the extent of the playing field. In fact the proposals will enhance equal access for all, becoming an inclusive facility.

Changes the character of open fields to a park like setting

Given the current use of the field, the proposed landscaping and the location of the development close to the edge of the village, the proposals are not considered to have a detrimental impact on landscape setting or the character of the Conservation Area.

No consultation with residents/ Value for money/ rights of access/ownership or lease issues. These are not material considerations for the planning application.

Safeguarding issues for adjacent playgroup

Given the current use of the field for recreation purposes, it is not considered that the pathway, landscaping and equipment will result in safeguarding issues for the running of the adjacent playgroup.

Too many trees and potential for tree litter.

The Authority's Landscape Officer has considered the application and raises no objection. Further details are requested as per the proposed condition, however there are no objections in principle. It is considered that the trees proposed are within an appropriate setting and are acceptable.

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

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

6.11 Conclusion

6.11.1 Overall it is considered that the principle of the development is acceptable and in line with current policy. The proposals do not have a detrimental impact on the amenity of residents, the landscape, the character or appearance of the Conservation Area, or create any adverse impact

on traffic. It is considered that the development would improve the recreational offer for the village in a sustainable way providing an increased level of access for all users, for example those using pushchairs or wheelchairs. It is considered that the well-being benefits are considerable and are therefore in line with Planning Policy Wales Ed. 11 and are therefore 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 Prior to the commencement of development full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: o Detailed scaled plans, showing existing and proposed levels. o Proposed and existing utilities/services above and below ground. o Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive SUDS green engineering. o Hard landscape materials to include cross sections of path and deck construction, details of play equipment, climbing wall and surfacing, location of proposed minor artefacts and structures (e.g. interpretation and signs).

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

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

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

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

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

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Application Number: DM/2022/00923

Proposal: Two proposed dormers to the front/south-east facing elevation. Rear dormer and roof terrace to rear/north-west facing elevation.

Address: Crooklands, Church Road, Undy, Caldicot, NP26 3EN

Applicant: Mr and Mrs Crook

Plans: Other Covering Letter - ,
Location Plan R720-00 - Dated 08.08.2022,
Floor Plans - Proposed R720-11 - Dated 18.07.2022,
Elevations - Proposed R720-08 - Dated 28.06.2022,
Block Plan R720-01 - ,
Block Plan R720-10 - ,
Floor Plans - Existing R720-02 - ,
Floor Plans - Existing R720-03 - ,
Elevations - Existing R720-04 - ,
Floor Plans - Proposed R720-05 - ,
Floor Plans - Proposed R720-06 - ,
Floor Plans - Proposed R720-07 - ,

RECOMMENDATION: Approve

Case Officer: Mr Ryan Bentley
Date Valid: 30.06.2022

This application is presented to Planning Committee due to the Local Member being related to the applicant and objections have been received

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to Crooklands, a large detached dwelling located within Magor and Undy's development boundary and also within an Archaeologically Sensitive Area (ASA). The dwelling has been altered significantly over recent years.

1.2 Value Added

The applicant has provided amended plans that detail a Sparrow Terrace bird box is to be located on the side (south-east) elevation, this would serve as biodiversity enhancement.

1.3 Proposal Description

Planning permission is sought for the erection of two pitched roof dormers to the roof on the principal elevation. There will also be two rooflights on this elevation. A flat roof dormer and roof terrace is also sought on the rear elevation of the dwelling. The roof terrace has been designed to sit within the two gable extensions to the rear of the property. The development will lead to the loss of the middle gable on the rear elevation, with the roof terrace sitting within this area. The rear roof dormer will have a flat roof. The roof terrace will be approximately 6.3m in length and 6.9m in width. The rear flat roof dormer will have an approximate height of 2m. The loft conversion will allow for a multifunctional room with 1m built in storage on either side. The proposed materials will match the existing dwelling. There will be 1.8m high privacy screens erected on both side elevations of the roof terrace.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00923	2x proposed dormers to the front/south-east facing elevation. Rear dormer and roof terrace to rear/north-west facing elevation.	Pending Consideration	
DC/2008/00203	Demolish conservatory and erect kitchen extension in its place.	Approved	28.03.2008
DC/2006/01591	Proposed First Floor Extension To Existing Bungalow.	Approved	21.06.2006
DC/2001/00607	Erection Of New Bungalow At Rear Of Existing Property.	Refused	20.08.2001
DC/2011/01096	Construction of a new lean-to ssingle storey garage attached to the dwelling. Construction of new garden wall with gate to side of dwelling. Replacement porch.	Approved	20.01.2012
DC/2004/00948	Conservatory	Approved	17.09.2004
DC/2009/01200	Second storey rear extension	Approved	03.03.2010
DC/2014/00172	Erection of a single storey timber framed orangery.	Approved	01.04.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development

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 Town Council - No response to date.

MCC Environmental Health - No objections.

Glamorgan-Gwent Archaeological Trust (GGAT) - No objections to the positive determination of this application.

Network Rail - No objections in principle. Commented as follows:

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

-Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

SEWBRc Search Results - One red alert for bird. Priority species of moth and birds within 300m of the development.

5.2 Neighbour Notification

Five neighbour objections have been received for the following reasons:

- Loss of privacy/overlooking
- Noise
- Overdevelopment
- Dust
- Cumulative impact of approved nearby planning applications
- Not in keeping with surrounding area

5.3 Local Member Representations

Cllr A M Sandles - No response to date.

Cllr J Crook - This application has been made by my son, and therefore wish to declare an interest especially as I am on the Planning Committee.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 The proposal represents a modest addition to the dwelling, that would clearly read as a secondary and subordinate element. It is noted that the dwelling has been extended significantly over the years with it being enlarged from a bungalow to a two-storey dwelling. The proposed loft conversion is a minor addition to the dwelling that does not increase its footprint. The development will lead to the loss of the middle gable on the rear elevation. The dwelling is also located within a development boundary and therefore it is not restricted by a volume increase. The property has lost its traditional form from the previously approved planning applications and this extension is considered to be entirely appropriate for the site. The roof terrace has been designed to sit well within the two gable extensions to the rear and provides an additional amenity area at the property.

6.1.2 The dwelling benefits from a large residential curtilage and is not considered overdevelopment. From a visual impact perspective, the roof terrace will be largely obscured by the two gable extensions either side and will not be visible from the street, Church Road. The two pitched roof dormers on the principal elevation will be visible on Church Road but dormers are commonplace on Church Road and the addition of these two dormers is not considered to be alien to the building or the surrounding area. Furthermore, there is no distinct form in the surrounding area so this development is of a scale and mass appropriate within the area. The development is in-keeping with the design of the existing dwelling house and therefore does not have a detrimental impact upon local character and distinctiveness. Therefore, it is considered to meet the relevant criteria of Policy DES1 of the adopted LDP.

6.2 Historic Environment

6.2.1 The site is located within the Gwent Levels Archaeologically Sensitive Area (ASA). As such, Glamorgan-Gwent Archaeological Trust have been consulted for comment and have no objection to the application. Given their understanding of the historic environment in the immediate area, it is considered unlikely that significant archaeological remains would be encountered during the proposed development, and no adverse impact on the setting of designated assets. Therefore, no archaeological restraint is to be attached to the application.

6.3 Impact on Residential Amenity

6.3.1 Firstly, with regard to scale, the proposed development is modest in relation to the existing dwelling. The detached dwelling is on a relatively large site and it is therefore not considered to represent an overbearing impact on the neighbouring properties.

6.3.2 With regard to privacy, the majority of the planned work will take place on the north west elevation, the rear. The neighbouring dwelling to the north west, The Orchard, is roughly 7m to the boundary and 12m to the dwelling. The existing gable extensions to the rear help to screen the roof terrace from The Orchard and the 1.8m privacy screen will ensure that there is no unacceptable loss of privacy. Given the layout of the property and the privacy screen, the impact on The Orchard is considered acceptable. The neighbouring property to the north east, Zion, is under the ownership of the applicant. However, it will still be judged as if it was not. For the same reasons as detailed for The Orchard, it is considered that there will be no unacceptable loss of privacy.

6.3.3 An additional property to the north, St Martins Farm, is located over 21m away from the proposed roof terrace with the front elevation facing the rear of Crooklands. It is noted that parts of the front garden will be within 21m. The glazing screen will assist in preserving the privacy of the neighbouring property but it is noted that there will be partial views of the neighbouring property. The roof terrace does not face the neighbouring property directly and is at an oblique angle. This helps to reduce the potential loss of privacy at St Martins Farm. Moreover, bedroom 4 on the proposed plans already faces the neighbouring St Martins Farm and the introduction of a roof terrace is not considered to cause an unacceptable loss of privacy.

6.3.4 The two pitched roof dormers on the front elevation will offer a view of the neighbouring properties, Church Farmhouse and Farm Cottage. There are already windows facing the neighbouring properties when the property was converted from a bungalow. There is also a road, Church Road, between the two dwellings which helps to reduce the impact of the windows. The addition of two dormers which are setback from the edge of the roof are not considered to cause an unacceptable loss of privacy to the neighbouring properties over and above the current situation. The proposal is therefore considered to adhere to the relevant criteria within policies DES1 and EP1 of the adopted LDP.

6.4 Biodiversity

6.4.1 Having regard to PPW11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has updated the submitted drawings that would see a Sparrow Terrace box fitted on the side (south-east) elevation of the dwelling. It is therefore considered on balance that the proposal accords with Policy NE1 of the adopted LDP.

6.4.2 It is noted that the location of the dwelling is potentially suitable for wildlife but the roof is tight and when conducting the site visit it was confirmed that the roof was in good condition and relatively new. Therefore, on balance, it is considered that a bat survey is not required to support the application. A bat informative will be added to the decision notice.

6.4.3 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

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

6.5.1 It is noted that Magor with Undy Town Council have not responded to consultation. It is noted that GGAT have no objection to the application. The applicant should contact Network Rail following the comments they have made in relation to this application.

6.5.2 With regard to loss of privacy and overlooking, this has been addressed in section 6.2 of this report. Due to the nature and location of the development, it is not considered to cause an unacceptable loss of privacy and they will not be unduly impacted by the proposal.

6.5.3 With regard to the comments regarding the development being out of keeping with the surrounding area, dormers are located on several properties in the area and the introduction of two on the front elevation is considered to be acceptable. It is noted that the dwelling has been enlarged over the years but the neighbouring properties vary in size and shape and the development is not considered to result in overdevelopment. The roof terrace is located to the rear of the property and won't be visible within the wider streetscene. Therefore, it is considered to be acceptable.

6.5.4 With regard to the planning applications in the surrounding area, the planning department can only judge an application on its individual merits. A condition ensuring that work commences within 5 years will be attached to the decision notice but the department can't control when this development commences.

6.5.5 With regard to potential noise caused by the applicants, this is not something that the planning department can control. The works should not take place during unsocial hours and if there are noise issues at the site, this can be addressed by contacting the Environmental Health team who oversee the relevant legislation.

6.5.6 With regard to dust, the MCC Environmental Health officer has been consulted for comment and they have no objection to the application. The Health and Safety Executive are the responsible authority with respect to the impact of dust on employees and whether or not water suppression is mandatory. The Environmental Health department has the remit for investigating statutory dust nuisance from construction activities under the Environmental Protection Act 1990. Planning permission does not preclude developers from the provisions of the EPA 1990 and the department would respond to any complaint of dust nuisance from this site if arises.

6.5.7 With regard to the Party Wall Act, this informative would only be added to the application if development was to be located near to the boundary. The development is to be located solely within the roof of the property.

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

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

6.7 Conclusion

6.7.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 The net biodiversity enhancement measures shall be installed in accordance with the details shown on Drg No R720-08 within one month of the proposed works hereby approved being brought into beneficial use and retained as such in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

4 The 1.8m high privacy screen that will be located on the south west and north east elevations of the proposed roof terrace, as shown on drawing no R720-07 and R720-08, shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3, shall be installed before the roof terrace is brought into beneficial use and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

INFORMATIVES

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

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

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

4 Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

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