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Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Mawrth, 2 Ionawr 2024

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mercher, 10fed Ionawr, 2024, 2.00 pm  
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

### AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ymddiheuriadau am absenoldeb.	
2.	Datganiadau o Fuddiant.	
3.	Cadarnhau cofnodion y cyfarfod blaenorol.	1 - 4
4.	Ystyried adroddiadau ar y Ceisiadau Cynllunio canlynol gan y Prif Swyddog, Cymunedau a Lle (atodir copïau):	
4.1.	Cais DM/2023/00711 – Ail-agor porth presennol. Treetops, Heol Talycoed, Llandeilo Groesenni, y Fenni.	5 - 10
4.2.	Cais DM/2023/01030 – Datblygiad preswyl arfaethedig ar 46 o anheddau fforddiadwy, manau parcio ceir, tirlunio a gwaith cysylltiedig. Tir i'r gogledd o Ysgol Cil-y-coed, lleolir ger Woodstock Way, Cil-y-coed.	11 - 26
4.3.	Cais DM/2023/01042 – Newid defnydd o amaethyddol i dir ar gyfer cadw ceffylau (ôl-weithredol), cynnig i godi bloc stablau ar gyfer pump ceffyl, codi adeilad storio ategol, adeiladu manege. Tir i'r gogledd-orllewin o Heol Holly Lodge o'r A48 i Heol Dewstow, Fives Lane, Caerwent.	27 - 40
4.4.	Cais DM/2023/01242 – Adeiladu gweithdy a storfa beiriannau a datblygiad cysylltiedig. Llan Farm, Heol Nant i The Grange, The Hendre, Trefynwy, NP25 5NX.	41 - 48

<b>4.5.</b>	<b>Cais DM/2023/01329 – Newid Defnydd Byngalo Glebe i dŷ annedd C3 o'r Anecs a'r Gosodiad Gwyliau a gafodd ganiatâd dan DC/2007/00778 a DC/2017/01200. Glebe Bungalow, Heol Ysgol Llandeilo, Llandeilo Bertholau, y Fenni, NP7 6NU.</b>	<b>49 - 56</b>
<b>5.</b>	<b>ER GWYBODAETH – Yr Arolygiaeth Gynllunio- Penderfyniadau am Apeliadau a Costau a dderbyniwyd:</b>	
<b>5.1.</b>	<b>Penderfyniad Apêl - 25 Beaulieu Barn, Heol Kymin, y Kymin, Sir Fynwy.</b>	<b>57 - 58</b>
<b>5.2.</b>	<b>Penderfyniad ar Gostau - 25 Beaulieu Barn, Heol Kymin, y Kymin, Sir Fynwy.</b>	<b>59 - 60</b>
<b>5.3.</b>	<b>Penderfyniad Apêl – Tir ger Hardwick Cottage, Hardwick Hill, Casgwent, Sir Fynwy.</b>	<b>61 - 64</b>
<b>5.4.</b>	<b>Penderfyniad Apêl – Tir gyferbyn â Rose Cottage, Llanbadog, Brynbuga, Sir Fynwy.</b>	<b>65 - 68</b>
<b>5.5.</b>	<b>Penderfyniad Apêl – Tir yn Nistyllfa Silver Circle, Pleasant View Barn, Heol Ninewells, Catbrook, Tryleg, Sir Fynwy.</b>	<b>69 - 78</b>
<b>5.6.</b>	<b>Penderfyniad ar Gostau – Tir yn Nistyllfa Silver Circle, Pleasant View Barn, Heol Ninewells, Catbrook, Tryleg, Sir Fynwy.</b>	<b>79 - 80</b>

**Paul Matthews**

**Prif Weithredwr**

## CYNGOR SIR FYNWY

### MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

Jill Bond  
Fay Bromfield  
Emma Bryn  
Sara Burch  
Jan Butler  
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 Democraidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn i'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)**

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

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

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

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

#### **Y Gymraeg**

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

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Ein Pwrpas

- i ddod yn sir ddi-garbon, gan gefnogi lles, iechyd ac urddas i bawb ar bob cam o'u bywydau.

## Amcanion rydym yn gweithio tuag atynt

- Lle teg i fyw lle mae effeithiau anghydraddoldeb a thlodi wedi'u lleihau;
- Lle gwyrdd i fyw a gweithio gyda llai o allyriadau carbon a gwneud cyfraniad cadarnhaol at fynd i'r afael â'r argyfwng yn yr hinsawdd a natur;
- Lle ffyniannus ac uchelgeisiol, lle mae canol trefi bywiog a lle gall busnesau dyfu a datblygu;
- Lle diogel i fyw lle mae gan bobl gartref maen nhw'n teimlo'n ddiogel ynddo;
- Lle cysylltiedig lle mae pobl yn teimlo'n rhan o gymuned ac yn cael eu gwerthfawrogi;
- Lle dysgu lle mae pawb yn cael cyfle i gyrraedd eu potensial.

## 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 (Mehafin 2015)

### Polisi Cynllunio Cyhoeddus

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

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

### **Materion eraill**

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

#### Deddf Cynllunio (Cymru) 2016

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

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

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

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

#### Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

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

#### Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

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

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

(ii) Nad oes dewis arall boddhaol.

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

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

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

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

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

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



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

#### Trefn Troseddu ac Anrhefn 1998

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

#### Deddf Cydraddoldeb 2010

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

#### Mesur Plant a Theuluoedd (Cymru)

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

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

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

### **Pwy all siarad**

#### Cynghorau Cymuned a Thref

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

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

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

#### Aelodau'r Cyhoedd

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

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

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

#### Ymgeiswyr

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

### **Cofrestru Cais i Siarad**

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

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

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

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

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

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

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

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

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

### **Cynnwys yr Arweithiau**

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

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

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

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

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 5th December, 2023 at 2.00 pm**

**PRESENT:** County Councillor Phil Murphy (Chair)  
County Councillor Dale Rooke (Vice-Chair)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Sara Burch, Jan Butler, John Crook, Steven Garratt, 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
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer
Anna Hawker	Trainee Solicitor

County Councillor Ann Webb left the meeting during consideration of application DM/2023/01259 and did not return.

### **APOLOGIES:**

County Councillor Tony Easson

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

County Councillor Jayne McKenna declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2023/01105, as she was a co-director of the company that sold the property to the applicant. She left the meeting taking no part in the discussion or voting thereon in respect of this application.

County Councillor Phil Murphy declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2023/01105, as his son has been a work colleague of the applicant.

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

The minutes of the Planning Committee meeting dated 7<sup>th</sup> November 2023 were confirmed and signed by the Chair.

## 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, 5th December, 2023 at 2.00 pm

3. **Application DM/2023/01105 - Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels. Bushes Farm, Chapel Road, Earlswood, Shirenewton, Monmouthshire**

We considered the report of the application and late correspondence which was presented for refusal for the reasons outlined in the report.

[https://www.youtube.com/live/Qa\\_z5SnNNWQ?feature=shared&t=145](https://www.youtube.com/live/Qa_z5SnNNWQ?feature=shared&t=145)

In noting the detail of the application and the views expressed, it was proposed by County Councillor Dale Rooke and seconded by County Councillor Maureen Powell that application DM/2023/01105 be refused for the reasons outlined in the report.

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

For refusal	-	11
Against refusal	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/01105 be refused for the reasons outlined in the report.

4. **Application DM/2022/01507 - Proposed additional overflow parking and minibus 'drop off' area. Cefn Tilla Court, Cefn Tilla Road, Llandenny, Usk, NP15 1DG**

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

[https://www.youtube.com/live/Qa\\_z5SnNNWQ?feature=shared&t=2842](https://www.youtube.com/live/Qa_z5SnNNWQ?feature=shared&t=2842)

In noting the detail of the application and the views expressed, it was proposed by County Councillor Jan Butler and seconded by County Councillor Su McConnel that application DM/2022/01507 be approved subject to the conditions outlined in the report, with an amendment to condition 7 on lighting to reflect that lighting should not be in operation outside the hours the car park is in use.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

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, 5th December, 2023 at 2.00 pm

We resolved that application DM/2022/01507 be approved subject to the conditions outlined in the report, with an amendment to condition 7 on lighting to reflect that lighting should not be in operation outside the hours the car park is in use.

**5. Application DM/2023/01259 - Change of use from A1 retail unit to mixed use - D2 (part) soft play and skate park, D1 community hub as well as the original A1 use. Core Shop - Caldicot Town Team, 43 Newport Road, Caldicot, NP26 4BG**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report, with an amendment to condition 4, as follows:

- Within 3 months of the date of this decision a scheme of ecological enhancement to provide net benefit to biodiversity shall be submitted to the local planning authority for approval in writing. This shall include full details of the location, a specification of ecological enhancements and a timetable for their implementation. The approved details shall be implemented in their entirety in accordance with the agreed timetable and shall be retained in perpetuity.

[https://www.youtube.com/live/Qa\\_z5SnNNWQ?feature=shared&t=4223](https://www.youtube.com/live/Qa_z5SnNNWQ?feature=shared&t=4223)

In noting the detail of the application and the views expressed, it was proposed by County Councillor Jayne McKenna and seconded by County Councillor Maureen Powell that application DM/2023/01259 be approved subject to the conditions outlined in the report with the following:

- An amendment to condition 4 - Within 3 months of the date of this decision a scheme of ecological enhancement to provide net benefit to biodiversity shall be submitted to the local planning authority for approval in writing. This shall include full details of the location, a specification of ecological enhancements and a timetable for their implementation. The approved details shall be implemented in their entirety in accordance with the agreed timetable and shall be retained in perpetuity.
- Add an informative - The applicant is advised to address Members' concerns regarding pedestrian safety in respect of the rear access for skate ramp users in terms of there being i) a safe area outside the existing double doors and ii) a barrier / bollard to prevent a vehicle from the car park colliding with the existing roller shutter door.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

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, 5th December, 2023 at 2.00 pm**

We resolved that application DM/2023/01259 be approved subject to the conditions outlined in the report with the following:

- An amendment to condition 4 - Within 3 months of the date of this decision a scheme of ecological enhancement to provide net benefit to biodiversity shall be submitted to the local planning authority for approval in writing. This shall include full details of the location, a specification of ecological enhancements and a timetable for their implementation. The approved details shall be implemented in their entirety in accordance with the agreed timetable and shall be retained in perpetuity.
- Add an informative - The applicant is advised to address Members' concerns regarding pedestrian safety in respect of the rear access for skate ramp users in terms of there being i) a safe area outside the existing double doors and ii) a barrier / bollard to prevent a vehicle from the car park colliding with the existing roller shutter door.

**The meeting ended at 3.39 pm.**



**Application Number:** DM/2023/00711

**Proposal:** Re-open existing gateway

**Address:** Treetops, Talycoed Road, Llantilio Crossenny, Abergavenny

**Applicant:** Mr Clive Hughes

**Plans:** Location Plan - , Landscaping Plan CH/TLC/003 - , CH/TLC/001 - B, Location Plan CH/TLC/002

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Alice King

Date Valid: 31.05.2023

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

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

The site is located adjacent to a five-acre field, a rural hedge and tree lined single track lane linking to Talycoed road due south of the site. The site is in open countryside located in the rural area of Llantilio Crossenny, it is within a Cadw essential setting, a C2 flood zone and the River Wye sensitive phosphate catchment area.

This field is adjacent to the essential setting for Llantilio Court, and opposite the grade II listed Talycoed Farmhouse (Cadw ref. 24326).

### 1.2 Proposal Description

Retrospective planning permission is sought to re-open a gateway that is used for agricultural purposes. Following negotiation with officers, updated plans have been received to illustrate that biodiversity enhancements will be provided in the form of hedge planting.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2023/00711	Re-open existing gateway.	Pending Consideration	

## **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  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
HE1 LDP Development in Conservation Areas

## **Supplementary Planning Guidance**

Green Infrastructure April 2015

## **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

**Whitecastle Community Council** - Object to the application. The reasons are as follows :-

- No proof has been provided to show there was an existing gateway.
- The splay is not sufficient to enable safe access to the highway. The splay needs to manage current use and future development.
- The council is concerned about the loss of biodiversity caused by the development and would like to see proposals to offset this loss.
- The applicant has not presented any reasons for having a gateway. The council understands there is already access to the field.

**MCC Heritage** - No objections.

**MCC Landscape/GI Officer** - No objection subject to conditions.

**MCC Highways** - Concerns have been identified.

**Natural Resources Wales** - No objections.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

There have been four neighbour objections which cover the following:

- No evidence regarding a previous access.
- Safety of the access
- Damage to the hedgerow
- Increase in traffic

## 5.3 Other Representations

National Grid have made comments in support of the application:

- On behalf of National Grid I would like to add comment to the planning application. National Grid have assets within the customers land which currently has very restricted access to. This includes High voltage lines at 11,000 volts which includes a transformer on one of the poles. We also have our 66,000 volt line located in the field. The application for the gateway would help NG in access to the land for routine inspections, maintenance works and an emergency fault works. It would also provide us an access way to bring a generator into the field to connect to the transformer in the case of needing to restore supplies to the properties around.

## 5.4 Local Member Representations

Cllr Ian Chandler - Noting local concern in my ward about application "DM/2023/00711 re-open existing gateway. Tree Tops, Tal y Coed Lane, Llantilio Crossenny, NP7 8TL", I wish it to be considered by the planning committee rather than by officers' delegated powers.

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**

This application seeks retrospective planning permission to create an access into a 5-acre field adjacent to and from the single-track lane through what was an existing hedge of field maple, oak and hazel as based on 2009 and 2011 Streetview imagery that had filled in any previous point of access. Given the importance of agriculture and farming in Monmouthshire, the LDP Policy RE4 is supportive of new farm accesses in the countryside subject to them being reasonably required for agricultural or forestry purposes and meeting the criteria in Policy LC1. This is an agricultural field with a requirement for a new farm access suitable for modern farming practices and equipment.

#### 6.2.1 Good Design/ Place Making

The proposal seeks to provide access to the 5-acre field that is located to the rear of a dwelling known as Treetops. The field is currently accessed via a gateway from Treetops, but modern machinery cannot enter through this entrance as it is not wide enough. The current use of the field is for agriculture/ grazing/ hay only and the field will remain in agricultural use.

The gateway has been built 5m back from the highway with a point of access of some 15m, the ground level of the access is to be level with that of the public highway and the applicant has submitted plans that would see the hedgerow be taken back in aid of the visibility splays, creating splays of 60m to the north and south. Being mindful of the context of the site, the proposal is considered to be acceptable.

## 6.2.2 Green Infrastructure/ Landscape

Plan CH/TLC/003 highlights the proposed hedgerow and tree mitigation planting to enhance the existing hedges and extension towards the new gate with reference to a planting schedule and to compensate for any impacts and loss as result of re-establishment of access and visibility splays. The new access will be satisfactorily assimilated within its setting, therefore complying with Policy LC1. A detailed landscaping plan has been provided via amended plans, including a five year maintenance plan. A condition can be attached to secure the implementation of the submitted planting details within the first planting season following completion of the access improvements.

## **6.3 Historic Environment**

This application is for a new gate into an agricultural field adjacent to Treetops. The gate is set back from the lane, into the field. This field is adjacent to the essential setting for Llantilio Court, and opposite to the grade II listed Talycoed Farmhouse (Cadw ref. 24326). The Council's Heritage Team have been consulted as a part of this application and they raise no objection to the application. It is not considered that the proposal for the access would harm the essential setting of the heritage asset.

## **6.4 Biodiversity**

Planning Policy Wales (PPW) 12 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 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Photographs of the existing section of hedgerow have been provided to inform the application. Additionally, the submitted Landscape Plan details the areas of proposed hedgerow and tree planting. The extent of the proposed hedgerow planting should provide an overall net benefit for biodiversity and will be secured via the landscaping conditions discussed in paragraph 6.2.2 of this report.

## **6.5 Impact on Amenity**

The scale of the proposal and its relationship with nearby properties is considered acceptable. The proposed development is not considered to have an unacceptable impact upon the living conditions of neighbouring occupiers and no conflict with LDP policies DES1 or EP1 have been identified. Owing to the nature of the application the primary consideration with regard to the third party impact relates to wider highway safety.

The highway is flanked by mature hedgerow and trees site and based on the character of the site; the visual impact of this change is considered to be a localised one. Accesses of this nature are considered common place in the open countryside i.e. in relation to agricultural settings as they are essential for machinery and livestock movement, regardless of how often this may be in use. Given the above, it is considered that the alteration would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application and the application is considered compliant with LDP policies DES1 and RE4(a).

## **6.6 Access / Highway Safety**

The applicant has provided amended details and further information in response to comments provided by MCC Highways. The gated access is now 5m from the edge of the carriageway and the ground level of the access is to be level with that of the public highway. The hedgerow was taken back to facilitate improved visibility splays and ease of access splays and there are now visibility splays of 60m to the north and south.

While the proposal now meets the required design guidelines, the stated visibility is below that required by TAN18 Annex B for roads where the speeds are not known. Highways have requested

that a speed and traffic survey should take place as evidence to support a reduction in standards; Highways therefore raise a concern over the visibility and therefore highway safety. However given the land use of the site, officers are satisfied on balance that a reasonable and pragmatic approach can be taken. Whilst a speed and traffic survey has not been undertaken this is not a reason to withhold planning permission. If a more intensive land use was to be served by the access that is the subject to this application, then such a survey would be considered reasonable and necessary. However the site would be continued to be used for agricultural purposes.

Officers are satisfied that the development is not likely to create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network, nor would it fail to provide a safe and easy access for road users. As such it is considered acceptable having regard to the provisions of LDP Policy MV1.

## **6.7 Response to the Representations of the Community Council and Third Parties**

6.7.1 Regarding the comments provided by members of the public, the applicant has provided images that show a gate within a hedgerow, and whilst this may show there was once an historic gate, this can only be afforded limited weight. Thus, this application has been assessed based on its own merits. The applicant has also provided information regarding the implementation of landscaping and this will compensate for the loss of hedgerow due to the created access; further to this conditions can ensure that the landscaping is retained. Other concerns such as highway safety and an increase in traffic have been addressed section 6.6.2 of this report.

6.7.2 Whilst the Highways Officer has concerns with the proposed access, the proposed access is to an agricultural field with no proposed change of use of the land, it will only be used sporadically for agricultural purposes, the lane is lightly trafficked and therefore it is not considered to have an unacceptable impact that would warrant refusal of the application on highway safety grounds.

## **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**

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

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

2 Within 4 months of the date of this consent the access improvements shown on approved drawing CH/TLC/001 Rev B shall be implemented in their entirety, these include:

- The gated access being set back 5m from the edge of the carriageway.
- Ground level of the access is to be level with that of the public highway in accordance with the site section shown on drawing CH/TLC/001 Rev B.

- Visibility splays of 60m to the north and south provided in accordance with the approved plan.
- The area identified on approved drawing CH/TLC/001 Rev B as "Hardstanding surface level with carriageway" at the entrance apron shall be tarmacked in its entirety.  
Reason: in the interests of highway safety and to accord with Policy MV1 of the LDP.

3 All hard and soft landscape works shall be carried out in accordance with the approved details (as shown on Approved Drawing *Proposed Planting Plan*) 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 within the first planting season following completion of the works set out in Condition 2. 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.

## **INFORMATIVES**

1 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.

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

# Agenda Item 4b

**Application Number:** DM/2023/01030

**Proposal:** Proposed residential development of 46 affordable dwellings, car parking, landscaping and associated works

**Address:** Land to the north of Caldicot School, Situated off Woodstock Way, Caldicot

**Applicant:** C/o Agent

**Plans:** PL 00 Site Location Plan,  
PL 01\_Rev.F Site Layout Plan, 06.12.23  
PL 02\_Rev.D Block Plan, 06.12.23  
PL03 REV B Roof Plan 06.12.23  
PL 04\_Rev.D Boundary Plan, 06.12.23  
PL 10 2B 4P House A,  
PL 11 2B 4P House B,  
PL 12 3B 5P House A,  
PL 13 3B 5P House B,  
PL 14 3B 5P House C,  
PL 15 4B 7P House A,  
PL 16 1B 2P Walkup,  
PL 17 1B 2P Walkup Block,  
PL 16 Mixed Block Types,  
PL 19 Mixed Block,  
PL 20 Large Block Types,  
PL 21 Large Block Plans,  
PL 22 Large Block Eles,  
PL 23 Streetscenes 1 & 2,  
PL 24 Streetscenes 3 & 4,  
Design and Access Statement 231206 06.12.23  
Flood Consequence Assessment and Drainage Strategy v.4 06.12.23,  
Engineering Layout 2391-100-rev.J 06.12.23  
Site Sections 2381-109-rev.A PHG Consulting

902 PL02 Landscape Management Plan 06.12.23  
501 PL01 Soft Landscaping tree pit 06.12.23  
402 PL02 Detail Planting Plan 06.12.23  
401 PL02 Detail Planting Schedule 06.12.23  
201 PL06 Soft Landscape Green Infrastructure Plan, 06.12.23  
001 PL01 Green Infrastructure Context Plan 06.12.23  
901 PL01 Soft Landscape Specification 06.12.23

Preliminary Ecological Appraisal 05.12.23  
Transport Statement TS01 06.12.23  
Transport Note - Further Information for Highway Authority  
C22158/TN02\_Iss.2 Apex Transport Planning,

Green Infrastructure Statement 19.04.23 Soltys Brewster,  
Tree Constraints Plan 13.02.23,  
Treescene Tree Survey 13.02.23 Treescene,  
Site Investigation 14166/LS/23/SI Intégral Géotechnique (Wales),  
Executive Summary 14166/LS/23/SI Intégral Géotechnique (Wales)  
Pre-Application Consultation Report June 2023,

## **RECOMMENDATION: APPROVE**

Case Officer: Amy Longford  
Date Valid: 20.07.2023

**This application is presented to Planning Committee due to the land being in Council ownership**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

1.1.1 The application site comprises a formerly developed (brownfield) but currently vacant parcel of land adjacent/ north of Caldicot High School. The land was formerly occupied by the previous school buildings which have since been demolished. The topography of the site is such that the land is level with Woodstock Way to the north/ west but is raised relative to the road to the north/ east with a slight banking and grass verge separating the road from the site boundary.

1.1.2 The site measures approx. 0.75 ha and is located within the development boundary as identified by the Proposals Map of the Monmouthshire Local Development Plan (LDP) and is adjacent to the town centre. Part of the site is allocated as an Area of Amenity Importance.

#### 1.2 Proposal Description

1.2.1 This application seeks consent for the redevelopment of the site to provide 46 affordable homes, car parking, landscaping and associated works. Access comprises one vehicular access point utilising the existing access on the north/ west boundary from Woodstock Way.

1.2.2 The existing pedestrian crossing on Woodstock Way has been considered in the design and layout of the proposed development with a pedestrian access point linking to the crossing; a pedestrian link through the site is proposed providing opportunity to link the town centre with the leisure centre to the south.

1.2.3 The dwellings are proposed to be arranged around the perimeter of the site with flats proposed on the exterior boundaries and houses proposed against the internal boundary with the school. The flats range between 2 and 3 storeys with the houses all 2 storey and arranged as an angular crescent terrace.

1.2.4 All development is built around a central area of open space which hosts landscaping, planting and a pedestrian access link. Parking is proposed in blocks throughout the development and is broken up by location and planting to avoid a mass area of parking. Electric Vehicle charging has been incorporated from the outset with just under half of the spaces having EV charging available.

1.2.5 Overall the proposed design is contemporary with inspiration being drawn from the High School and other built forms in the area. Additional detail in respect of scale, design and position of the development is illustrated in full on the submitted drawings.

1.2.6 Car parking has been carefully considered with an emphasis on sustainable travel and connectivity to alternative modes of public transport given the sites proximity to the town centre. In addition, cycle parking has been provided for all residents across the site encouraging increased active travel participation. The site has also been designed with high levels of sustainability in mind and built in line with the Wales Housing Quality Standards 2023. All homes will have to meet EPC rating of A and will make the best use of renewables such as solar panels.

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



Reference Number	Description	Decision	Decision Date
DM/2023/01030	Proposed residential development of 46 affordable dwellings, car parking, landscaping and associated works.	Pending Consideration	

### 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  
S4 LDP Affordable Housing Provision  
S5 LDP Community and Recreation Facilities

#### Development Management Policies

CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision  
DES1 LDP General Design Considerations  
EP3 LDP Lighting  
EP5 LDP Foul Sewage Disposal  
GI1 LDP Green Infrastructure  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
NE1 LDP Nature Conservation and Development  
SD1 LDP Renewable Energy  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
CRF3 LDP Safeguarding Existing Recreational Facilities and Public Open Space

#### Supplementary Planning Guidance

Affordable Housing SPG July 2019  
Renewable Energy and Energy Efficiency SPG March 2016  
Green Infrastructure April 2015  
Monmouthshire Parking Standards (January 2013)

### 4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040;  
Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking  
Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership  
Policy 6 - Town Centre First  
Policy 7 - Delivering Affordable Homes  
Policy 9 - Resilient Ecological Networks and Green Infrastructure

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#### Technical Advice Notes

Technical advice note (TAN) 2: planning and affordable housing  
Technical advice note (TAN) 12: design

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Caldicot Town Council:** It is recommended that the application be refused.

The reasons for refusal - lack of information in application/research, lack of consultation with local community, initial use of land was promised to community, inadequate links with active travel.

**MCC Highways:** No Objection

Originally objected in relation to the proposed one way road layout and the level of parking. However, after revisions to create a two way road system the Highway Authority (HA) would confirm that it is now acceptable.

With regards to parking provision, the HA still maintain the view that it does not accord with the parking standards however it is understood that the Planning Authority are prepared to accept parking as proposed based on the site's sustainable location in terms of active travel, public transport and access to local amenities.

**MCC Environmental Health:** Concerns, recommends conditions.

EH suggested that a noise assessment should be undertaken to assess the impact of noise on both the internal and external elements of the proposed development.

In addition it is proposed that a Construction Environmental Management Plan be conditioned and submitted which shall identify steps and procedures that will be implemented to minimise noise. Restrictions on the proposed construction hours are also suggested.

In terms of Air Quality, depending on the potential increase in traffic generated by the development an Air Quality Assessment might be required.

In terms of contaminated land, conditions are proposed and the contents of the Contaminated Land Site Investigation Report provides sufficient information to partially address remediation conditions.

**MCC Ecology:** Holding Objection

A PEA has been submitted in relation to the proposed scheme. Original comments considered the scheme suitable and the level of GI and Biodiversity enhancement features were considered to be of suitable net benefit. However, the reduction in green central green space has reduced the GI which should be reinstated. The proportion of native planting was previously low, and has subsequently been reduced further, which is requested that this be rectified.

**MCC Active Travel:** Qualified Objection.

Objections relate to the internal layout of pathways and pavements in relation to width and location, raising concerns that these are not ideal from a pedestrian point of view.

That the SE corner of the development would not be linked to the school as the school require a contained site with few entrances and exits. Therefore this limits direct access to the site from the school and suggest access could be achieved onto Woodstock way from the SE corner

Concerns that cycle parking is not ideally or conveniently located to maximise the opportunities and use of cycles for the residents

**MCC Drainage Team:** No objection subject to condition.

The application has demonstrated an adequate means of surface water discharge and will be subject to SAB.

There are no objection on flooding grounds.

Conditions are suggested to manage surface water to prevent hydraulic overloading.

**MCC Affordable Housing Officer:** No objection.

**MCC Landscape Officer:** No objection subject to condition.

Following amendments the application for the proposed development have been submitted with a revised set of plans that are acceptable from Landscape and GI perspective.

**Dwr Cymru – Welsh Water (DC-WW):** No objection subject to condition.

The proposed development crosses a trunk distribution watermain, therefore the developer must contact DCWW before any development commences on sites. They note the intention to drain both foul and surface water to the public sewer and have no objection, they note the requirement for SAB approval.

## 5.2 Neighbour Notification

This application was advertised by means of four site notices, an advertisement in the Free Press and via direct neighbour consultation. No responses have been received.

## 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

6.1.1 The proposed development has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

6.1.2 Planning Policy Wales (PPW) and Future Wales: The National Plan, set the policy framework for Planning in Wales and both place significant weight upon sustainability and sustainable developments within appropriate locations. The application site is located within the settlement boundary where there is a presumption in favour of sustainable development and the efficient use of land is encouraged. The proposal seeks consent for the construction of 46 affordable homes on previously developed land as defined by PPW. PPW states, "Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome".

6.1.3 Future Wales sets out that the regeneration initiatives for existing settlements should promote a mixed use, high density approach for urban centres that offer residential accommodation at a walkable distance from local amenities with easy access to public modes of transport. A 'Town Centre First' approach is set out by Policy 6 of Future Wales, which clearly identifies town centres as more than the extent of designated retail areas and states they should be the focus of growth and regeneration, promoting residential development within and adjoining town centre boundaries.

6.1.4 Future Wales identifies appropriate densities for new residential developments (Policy 2) stating; "To support the economic and social success of our towns and cities, including sustaining public transport and facilities, urban growth and regeneration should increase the population density of our towns and cities. New developments in urban areas should aim to have a density of at least 50 dwellings per hectare (net), with higher densities in more central and accessible locations". In this case, the proposed density would exceed the 50 dwellings per ha (approximately 61 dwellings per ha), but given the central location of the site and its access to the town centre and to public modes of transport it is considered that the scheme accords with the aims of Future Wales in respect of delivering high density residential developments within appropriate urban areas that will support the economic and social success of the town centre.

6.1.5 LDP Policies S1, H1, S4, and DES2 are applicable in establishing the principle of the development. S1 and H1 provide a local planning policy backing for the principle of building residential developments within such locations. S4 relates to the provision of affordable housing, in

this case as the proposal seeks 100% affordable housing no objection or concern is raised in this respect as this exceeds the minimum set by the policy.

6.1.6 DES2 relates to the protection of Areas of Amenity importance, a small section on the site is allocated in the LDP as an area of amenity importance, however this allocation was applied to the playing fields located adjacent to the former layout of the School. This area has since been developed and now hosts the ASDA superstore and access road. It is therefore considered that the circumstances since the earlier allocation of amenity land have significantly changed and this application would not conflict with the aims of the policy that aims to preserve active amenity space for local residents. No objection is raised to the principle of the development.

## 6.2 Sustainability

6.2.1 As stated above the application site is located within the settlement boundary and is in very close to Caldicot Town Centre which features a wide range of shops and services. Future occupiers would be well served by the town centre amenities and would have easy access via sustainable modes of transport. Access to public transport is easily accessible from the site with a bus route operating along Woodstock Way and a bus stop being located close by on Woodstock Way. Caldicot Train Station is located via an approximately 0.5 mile walk from the site.

6.2.2 The submission includes bike stores for all residents, with availability of lockable storage close to the flats and all homes to have lockable sheds to the rear gardens (a requirement of the Wales DQR standards) . This will encourage increased use of sustainable modes of transport, this combined with a pedestrian route linking the town centre and leisure centre as part of the submission running through the site aims to increase the opportunities for active travel. These features both add to the sustainable credentials of the scheme, encouraging sustainable modes of transport through design.

6.2.3 The proposed homes have been designed to meet Welsh Development Quality Requirement (WDQR) 2021 standards which includes energy efficient, low carbon homes (for instance, the homes will be served by solar panels). These standards ensure that all new affordable homes are built with an aim to working towards Net Zero Carbon, all new homes must achieve an EPC rating of A through considering appropriate construction, not using fossil boilers or space heating. All homes will make use of renewables and will maximise the use of solar throughout the development. Therefore, no concern is raised to this application in respect of sustainability.

## 6.3 Place Making/Good Design

6.3.1 The application site comprises an irregularly shaped parcel of land adjacent to both the High School and town centre, however much of the existing built form faces away from the site with the service yards of both the ASDA and Aldi supermarkets accessed via Woodstock Way and the town centre developments facing away from it. Therefore, it is considered that the proposal presents an opportunity to enhance the existing public realm in this area through the proposed development by creating active frontages along the perimeter and by providing an enhanced pedestrian link through the site from the town centre to the leisure centre.

6.3.2 The proposal adopts a contemporary design which is considered to be acceptable and appropriate for this location. The design has taken inspiration from the nearby High School thus ensuring there is cohesion in respect of the built form in the area and ensuring there is no unacceptable impact on the character of the area. The maximum height proposed is three-storey; this is not considered to be excessive in this location given the scale of the surrounding built form and having consideration to the height of the buildings that formerly occupied this site. This proposal is 'bespoke' to this site and offers design solutions to address its constraints as opposed to trying to disguise them - examples are the design of the block of flats which addresses the corner plot through its shape and "cut off corner" and the shape of the terraced houses with an angular crescent that responds to the wider layout of the site.

6.3.3 Whilst the proposal is considered to enhance the public realm when viewed from outside the site it is also considered to create an attractive environment inside the site by arranging all

development around a central area of open space. This area of open space is considered to be a focal point for the development, creating an attractive green feature. The open space has been designed as multi-purpose and would offer a pleasant outlook for the new dwellings, useable outdoor space, a SuDS feature and would contribute towards the biodiversity offering in the area that is accessible to all. The proposed design promotes natural surveillance in the area, both within and outside of the site, again according with the good design principles supported by the Place Making Charter and Technical Advice Note 12: Design (TAN12). The proposed pedestrian path through the site would provide a link from the leisure centre to the town centre, therefore not only enhancing the pedestrian permeability of the area but also assisting in the integration of this development into the area by making it an accessible and functional space.

6.3.4 The proposed highway network and car parking areas have been designed taking the principles of the Place Making Charter into consideration by ensuring the amount of hard surfacing is kept to a minimum with green space and pedestrian movements prioritised. The road network and the car parking spaces have been arranged to ensure there is not a large mass of hard surface/ car parking.

6.3.5 Overall it is considered that the proposed development will result in an enhanced public realm and would make a positive contribution to the amenity and character of the area. The proposed design has placed significant emphasis upon the objectives of the Place Making Charter to ensure that green infrastructure and public realm are prioritised over excessive amounts of hard surfaces and to ensure that natural surveillance is maximised both within and outside the proposed development area.

#### 6.4 Biodiversity/Green Infrastructure

6.4.1 At present the application site has limited ecological value with scarce features for biodiversity as confirmed by the Council's Ecologist. A Preliminary Ecological Appraisal (PEA) report by Soltys Brewster Ecology has been submitted to inform the scheme. PPW11 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.

6.4.2 The PEA recommends a number of measures to enhance the site for biodiversity including provision of bird and invertebrate boxes, native species planting and the design of SuDS features to benefit biodiversity. The Council's Ecologist has reviewed the proposed development and concludes that, despite the amended internal road layout having reduced the area of green space and wet meadow area, there has also been a reduction in the mix of native species which reduces the overall net benefit to an unacceptable level. However, a change to the planting mix and inclusion of more native species would address this concern. Therefore a condition is applied to required an enhanced planting mix increasing native species which have an enhanced biodiversity value.

6.4.3 Therefore, with that condition, the proposed development will be able to secure a net benefit in this respect resulting in an overall betterment. It is considered that the proposal meets the requirements of both local and national planning policies and the objectives of Section 6 of The Environment Wales Act. Additionally, the GI and biodiversity features are considered to result in an enhanced public realm and to make a positive impact in respect of the amenity and character of the area.

#### 6.5 Landscape

6.5.1 The application site is within a built up area in close proximity to the town centre. The maximum height of the buildings as proposed is three storeys and this is not considered to be excessive or to result in a visually incongruous form of development in this area, particularly when viewed within the context of the neighbouring High School building. Additionally, the former High School building that occupied this site was three storeys tall. It is not therefore considered that the proposed development

would result in any unacceptable adverse impact upon the landscape/ landscape character within the area. No conflict with LDP Policy LC5 has been identified.

A condition requiring a lighting schedule for the whole development has also been included.

## 6.6 Impact on Amenity

6.6.1 The application site is surrounded by commercial or other non-residential uses and thus, given the separation distance between the development site and the closest neighbouring dwelling the proposed development is not considered to have any unacceptable adverse impact upon the living conditions of local residents.

6.6.2 Consideration has been given to the amenity/ living conditions of future occupiers, and it is considered that the proposed development is acceptable in this respect as future occupiers will be well served by sufficient space internally and externally. Additional facilities such as bike stores are proposed on site. The Council's Environmental Health Officer has been consulted on this application and raises no objection, although they have requested a noise impact assessment be undertaken prior to the commencement of development. This has been agreed that this will be secured through a condition to ensure a noise impact assessment and any relevant mitigation be agreed prior to commencement of development. Therefore, there is no identified conflict with LDP Policy EP1 has been identified.

6.6.3 In addition the Environmental Health Officer requested a condition requiring a Construction Environmental Management Plan and proposed hours of construction work. A condition has been applied requiring a Construction Management Statement and a CTMP which also includes hours of operation.

## 6.7 Highway Safety/Parking Provision

6.7.1 The Council's Highways Department has been consulted on this application and had initially raised an objection on the basis that the proposed parking provision is below the adopted standards and due to the arrangement of the highway network as a one way system. The applicants and their highway engineers have reviewed the proposed layout to incorporate a two way system that has been reconsidered and is now deemed acceptable by the Council's Highway Engineers.

6.7.2 The proposed parking provision would be lower than is required to accord with the Council's current adopted parking standards, the proposed development would provide one parking space per dwelling. The parking spaces are proposed to meet the size requirements as requested by Highways and a swept analysis has been undertaken which demonstrates that service and emergency vehicles can access/egress the site in a safe manner. It is noted that the adopted parking standards are guidance only, were adopted in 2013 and have therefore been superseded by both PPW11 and Future Wales, both of which advocate for lower levels of car parking or car-free developments in suitable locations (see excerpts below). In this instance, given the highly sustainable location of the application site in conjunction with the proximity to public modes of transport and the active travel principles that are incorporated into the scheme, therefore planning officers have no objection to the proposed parking provision within the proposed resultant scheme.

6.7.3 Furthermore, it is noted that this application seeks consent for 100% affordable homes where on average, car ownership is lower when compared with open market homes. Therefore, the need for parking is considered to be less in this instance and provides further justification for the relaxation of parking standards in this highly sustainable location. Car ownership across the entire MCC area has been reviewed. The Census shows a total of 5,288 socially rented households, of which 88% have either no car ownership (46%) or have one car (42%). This equates to an average of 0.69 cars per socially rented household, compared with 1.54 for owner occupied housing. As such, the significant majority of social rented households in MCC have low car ownership and the level of ownership is broadly half that of owner occupied housing. Additionally, car ownership of social rented households within the most comparable output area is 0.41 cars per household, so is lower again with 97% owning one car or less. As such, the level of ownership for affordable housing within the centre of Caldicot is very low, which reflects the highly sustainable location. Based on this data,

it is considered that potential future residents would be less likely to own a car or may own one car, and sustainable modes would provide realistic and attractive alternatives and these are currently being used by existing residents.

## PPW11

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed".

4.1.52 "Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places".

## Future Wales

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

Policy 12 Page 87 "Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time".

Given the above more recent adopted national planning policy it is considered acceptable and appropriate to accept the reduced parking level as proposed. In addition, 32 EV parking spaces have been provided which is considered to be far more than policy compliant.

6.7.5 In respect of Active Travel (AT), a qualified objection has been received by the AT Officer, and following this written representation clarification has been sought and confirmed that the paths within the site are designed to AT guidance as sought and therefore no concern is raised in this respect. The AT Officer has expressed a desire for further pedestrian and AT links from this site, but when considering the scale of the proposal and its central location in combination with the extent of land ownership and the extent of the highway verge it is considered that the links as proposed are suitable to serve this relatively small development. Concerns have been raised in relation to the location of the cycle stores, however these are located between the flats where they serve the north-eastern, north-western and eastern-most corner; whilst they are not at the entrance to the flats they are available and accessible. Concerns were also raised in relation to the rear access lane in terms of safety and security. However, the rear lane is required in accordance with the Welsh DQR standards which require an additional means of escape from the garden in the event of a fire. Therefore, in order to improve the safety of the lane, a condition requiring details of lighting and security measures to restrict the use of the lane to residents of the terrace only is proposed.

## 6.8 Affordable Housing

6.8.1 This application is submitted on behalf of Monmouthshire Housing Association and seeks to provide 100% affordable homes. This exceeds the policy requirement of 25% for residential developments in this area. The mix of housing proposed reflects the need within the area; the Council's Affordable Housing Officer has been consulted on this application and raises no objection. As Monmouthshire Council are the current land owners, the affordable housing provision will be secured through a unilateral undertaking as this is more appropriate than a S106 agreement in this instance.

## 6.9 Surface Water Drainage

6.9.1 The proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. The applicant has undertaken pre-application discussions with MCC's Drainage Department. Whilst formal approval for the SuDS scheme has not been received yet, this will be required prior to the commencement of development and it appears that the site can achieve a SuDS compliant system. The Council's Drainage Department have been consulted on this application and raise no objection to the proposed development in respect of drainage.

#### 6.10 Foul Drainage

6.10.1 The development site is located in an area served by Dwr Cymru - Welsh Water sewers and therefore the intention is to connect the proposed development to the existing sewerage system. DC-WW have been consulted on this application and raise no concern or objection in relation to the capacity of the network in the area. The area is outside of any affected Special Area of Conservation and therefore no issue is raised in respect of phosphate/nitrate pollution entering the water network.

#### 6.11 Environmental Health

6.11.1 Environmental Health Officer commented in relation to noise which is addressed in the Amenity section of the report, above. However, further comments have been provided in relation to contaminated land and air quality.

Given the site is vacant land following the demolition of the school buildings in 2018, the EH officer recommends that site investigation/risk assessment is carried out to assess land contamination. This could be managed through a condition requiring site assessment and any remedial work necessary. The Site Investigation Report that has been submitted partly addresses the information required as part of a remediation and validation condition and therefore the remaining parts d-e are conditioned only. These have been added to the list of proposed conditions at the end of the report.

In terms of air quality, the development proposes more than 10 residential units and car parking spaces, therefore an air Quality Impact Assessment would be required if the development will have a change of vehicle flows of more than 500 annual average daily traffic. The Traffic Assessment submitted with the application shows that the average daily traffic is 124, well below the 500 threshold and therefore an Air Quality Assessment is not required.

Irrespective as to whether an air quality impact assessment is undertaken they provide further advice as to how the development could implement good air quality design principles to reduce emissions, a number of which have been implemented within the proposed scheme, others are addressed through separate legislation and requirements, such as the Building Regulations.

#### 6.12 Planning Obligations

6.12.1 This scheme will deliver 100% affordable housing (46 homes). Therefore, no additional financial contributions will be sought. The affordable homes will be secured via a legal agreement between the applicant and the Council.

#### 6.13 Response to the Representations of Third Parties and Town Council

The Town Council have recommended that the proposed development is refused citing the following reasons:

Lack of information in application/research: No further clarification has been provided on what additional information is deemed to be lacking. It is the view of the LPA that there is sufficient information for the application to be determined.

Lack of consultation with local community: The applicant has undertaken the required level of community engagement prior to this application being submitted, including a Public Pre-application



Consultation (PAC) and the planning authority has exceeded the publicity as required for this level of application; therefore it is considered that the consultation as undertaken is sufficient.

Initial use of land was promised to community: The LPA must consider the use of the land as proposed through this application only. The use of the land for 100% affordable housing is considered to be a benefit to the community and the proposal is considered to improve the public realm within the area and to provide enhanced pedestrian links within the town.

Inadequate links with active travel: No further details have been provided in respect of this comment. Comments in relation to active travel have been cited and addressed in the above sections of the report.

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

6.14.1 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.

#### 6.15 Conclusion

The proposed development would deliver 46 much needed affordable homes within a highly sustainable location on brownfield land. The proposed development would deliver a bespoke design solution for the site which is considered to respond well to the area, resulting in a benefit visually and contributing positively to the objectives of the Place Making Agenda. The application demonstrates an acceptable means of dealing with surface water drainage and would provide a net benefit in respect of biodiversity and green infrastructure in the area. Following amendments to the layout there are no unacceptable impact in terms of highway safety. The proposal accords with the aims and objectives of both local and national planning policies and is therefore recommended for approval subject to conditions and a legal agreement securing the affordable housing provision.

### **7.0 RECOMMENDATION: APPROVE**

Subject to a Legal Agreement requiring the following: All 46 proposed properties will be for Affordable Housing.

#### Unilateral Undertaking Heads of Terms

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

#### **Conditions:**

##### **5 YEARS**

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.

##### **APPROVED PLANS**

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.

## **NOISE**

3 Prior to commencement of development, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority assessing the impact of existing noise on the both the internal and external elements of the proposed development. The assessment shall be undertaken by a suitably qualified acoustic consultant and have regard to relevant standards such as BS8233:2014 and 'guidance on sound insulation and noise reduction for buildings' and BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' and WHO Guidelines for Community Noise 1999. Where appropriate the report shall propose suitable mitigation to guide the design of the development including the potential for overheating within those properties where windows are required to be kept closed. Mitigation proposals shall be in line with current Building Regulations and shall be agreed in writing with the Local Planning Authority prior to the commencement of development. The development shall only proceed in accordance with the details hereby approved.

REASON: To ensure that the amenities of future occupiers are protected.

## **PD RIGHTS LIGHTING**

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 any building or within the curtilage of the site until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats 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.

## **ECOLOGICAL ENHANCEMENT - COMPLIANCE**

5 The approved 'Ecological Enhancement Plan' drawing by Soltys Brewster Ecology, which illustrates the position of the biodiversity net benefit feature, 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

## **CMS**

6 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) Hedgehogs, 3) Invasive Species Removal. 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.

## **HARD AND SOFT LANDSCAPING**

7 Notwithstanding the approved plans, specifically 201 PL06 Soft Landscaping GI Plan, Prior to the commencement of development full and comprehensive details of soft and hard landscape works, including details of the proposed native planting mix, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Detailed scaled plans, showing existing and proposed levels and cross sections relating to the proposed bin and bikes store between the large block and mixed block on the east of the site. Hard landscape materials shall include location and details of proposed lighting and details for structures (e.g. signs, bins, stores, benches).

Reason : In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5, GI 1 and NE1 of the Local Development Plan

## **LANDSCAPING COMPLIANCE**

8 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.

### **SURFACE WATER**

9 Surface water flows from the development shall communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5.9 l/s.

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

### **PD RIGHTS MEANS OF ENCLOSURE**

10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (Or any order revoking and re-enacting that Order with or without modification, no fences, gates or walls, shall be erected other than those expressly authorised by this permission.

REASON: To protect the character and appearance of the proposed development in accordance with LDP Policy DES1.

### **PD RIGHTS EXTENSIONS**

11 Notwithstanding the provisions of Schedule 2, Part 1, Class A (sections (h) and (j), B, C and D of The Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking or re-enacting that order with or without modification, no extensions with more than one storey, roof enlargements or alterations and porches shall be erected.

REASON: To protect the character and appearance of the proposed development and the living conditions of neighbouring occupiers.

### **EXTERNAL FINISHES**

12 Notwithstanding the details of the approved plans, prior to any works taking place above slab level, samples of the proposed external finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain as such thereafter 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: In the interests of the visual amenity of the application site and wider area, in accordance with policy DES1 of the LDP.

### **FOOTPATHS**

13 Notwithstanding the approved plans, prior to the completion of the development the footpaths and service strips as shown on the approved plans shall be implemented and completed.

Reason: In the interests of highway and pedestrian safety in accordance with LDP Policy MV1

### **CTMP**

14 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, which shall include traffic management measures, hours of working, measure 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: To ensure the development is carried out in a safe and considerable manner in accordance with the requirements of policy EP1, and DES1 of the LDP.

### **PARKING**

15 Prior to the occupation of any dwelling, the parking space(s) for that dwelling shall be laid out within the site in accordance with the approved plans and those spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: To reduce the need for on street parking in the interests of highway safety.

#### **OCCUPATION- ROAD SURFACE**

16 No building shall be occupied until that part of the road which provides access to it has been constructed to at least base course level in accordance with the approved plans.

REASON: In the interests of highway safety.

#### **CONTAMINATED LAND REMEDIATION AND VALIDATION**

17 No part of the development hereby permitted shall be occupied until:

d) Following remediation, a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

#### **CONTAMINATED LAND – IMPORTED MATERIAL**

18 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

#### **ESTATE PHASING AND COMPLETION**

19 No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway.

#### **MANAGEMENT AND MAINTENANCE OF STREETS**

20. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].

Reason – In the interests of highway safety

#### **SECTION 278 AGREEMENT**

21. No development shall commence until the applicant has entered into a Section 278 agreement, pursuant to the Highways Act 1980, with the Council for the works associated with the access and footway provision and associated works on Woodstock Way.

Reason: In the interest of highway safety

## **INTERNET CAPABILITY**

22. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the (dwellings/buildings) hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: to support the roll out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

## **EV DETAILS**

23. Details of the proposed electric vehicle (EV) charging points shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the charging points.

The EV charging points shall then be installed in accordance with these details here approved.

The EV charging points shall be installed prior to the occupation of the properties.

REASON –: In the interests of highway and pedestrian safety in accordance with LDP Policy MV1

## **BIKE STORAGE DETAILS**

24. Details of the proposed bike storage shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the bike stores. The bike stores shall then be installed in accordance with these details hereby approved. The bike storage shall be installed prior to the occupation of the properties.

REASON: In the interests of the visual amenity of the application site and wider area, in accordance with Policy DES1 of the LDP.

## **REAR LANE LIGHTING AND SECURITY DETAILS**

25. Full details of the proposed security to be installed to ensure adequate safety for the proposed lane to the rear of the terraced houses shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall proceed in accordance with the details hereby approved.

REASON: In the interests of the amenity of the application site and wider area, in accordance with Policy EP1 of the LDP.

## **INFORMATIVES**

1 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

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 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m<sup>2</sup> of construction area are fit for purpose, designed and built in accordance with the National Standards

for Sustainable Drainage published by Welsh Ministers. If you are in any doubt as to whether you require SAB approval, please contact: SAB@monmouthshire.gov.uk  
For advice regarding the application process and general enquiries - 01495 768306  
For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

5 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)  
This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

**Application Number:** DM/2023/01042

**Proposal:** Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for five horses, erection of ancillary storage building, construction of manege

**Address:** Land north-west of Holly Lodge Road From A48 To Dewstow Road, Fives Lanes, Caerwent

**Applicant:** Mr Alan Connolly

**Plans:** PNL-01- Proposed Stables elevations and plan 26.09.22  
PLN-02 – Existing and proposed site plan 26.09.22  
PLN-03 – Proposed barn elevations and plan 26.09.22  
SITE LOCATION PLAN – OS extract,  
DESIGN AND ACCESS STATEMENT, SUPPORTING PLANNING STATEMENT,  
PRELIMINARY ECOLOGICAL APPRAISAL,  
RIDING ARENA CONSTRUCTION GUIDE,  
Waste Management Strategy 25.10.23  
Soakaway drainage destination and manage details – 14.011.23

## **RECOMMENDATION: Refuse**

Case Officer: Mr Adam Foote  
Date Valid: 24.07.2023

**This application is returning to Planning Committee following Members deciding not to agree on a motion to approve the application at the meeting on Tuesday 3<sup>rd</sup> October. Therefore in accordance with the Planning Code of Practice (February 2023) the application was deferred for reasons for refusal to be considered based on the discussion within the meeting.**

### **Reasons for refusal:**

1. The application constitutes overdevelopment as it is of a scale and use that is out of keeping with the open countryside setting resulting in an adverse impact on the character of the landscape failing to comply with LDP Policies LC1 and RE6.
2. The development will lead to an unacceptable level of traffic which will be detrimental to current residents and users of the existing single track lane with few passing places, contrary to LDP Policy MV1.
3. The development will have a detrimental impact on the rich biodiversity of the established hedgerows and nearby woodland, affecting both the ecology and natural environment of the area contrary to LDP Strategic Policy S13.

Members also discussed the need for additional information including the following:

- Wooden structure not blockwork
- Details of waste management on site (including general waste)
- Details of landscaping, surface finish of the manege
- Surface water drainage for manege
- Lighting

Additional information has been provided post the meeting noted above, this includes:

- Waste Management Strategy including general waste from site.

- Details of surface water drainage to be discharged into a soakaway under the manage, drawings include details of the surface finish of the manage.
- No additional landscaping is proposed and so no further drawings have been supplied in relation to soft landscaping.
- No additional lighting is proposed and so no further details or drawings have been provided.
- The proposal remains that the building will be constructed in blockwork and not timber; details of the proposed building have been provided under the original submission, dated 26.09.22

Conditions at the bottom of this report have been amended to reflect the additional information provided and relevant consultees.

Following the Committee meeting of 3<sup>rd</sup> October 2023 further representations have been received, including a petition signed by 50 individuals representing 26 households; The representations are summarised as follows:

Concerns relating to the process of the previous meeting and collating reasons for refusal and additional information.

Concerns that the existing and proposed site plans are inaccurate as they do not show the array of buildings currently present on the land. These buildings have a damaging effect on the character of the local landscape.

That the development has a significant urbanising effect on the Public Right of Way

That the loss of the hedge has a detrimental effect on biodiversity

That the impact on the historic landscape cannot be accurately assessed as the application is lacking in information

Concerns over highway safety

Believe that the application is contrary to the Local Development Plan in relation to LDP policies LC1,LC5 RE3, RE4, RE5, RE6, S10, T2 and T3.

Three reasons for refusal of the application are also suggested relating to the inappropriate built form in the setting, and impact on biodiversity following the removal of hedgerow.

The full content of these comments can be found on the website.

## PREVIOUS REPORT (3<sup>rd</sup> October 2023 Committee)

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site comprises an L shaped, 2.11 ha (5.2 acre) field positioned on the north-eastern side of an adopted but unclassified highway known as Five Lanes, Caerwent. The site falls outside of the defined settlement boundaries as shown on the proposals map of the Monmouthshire Local Development Plan (LDP) and therefore for planning purposes is located within the open countryside.

The site is currently enclosed by a combination of post and wire fencing with newly planted and mature and maintained deciduous hedges to the north-west, north-east and the majority of the south-western boundary. Public right of way (footpath) 353/7/1 crosses the site from the south-western boundary leading from the public highway to the north-eastern corner of the land. Vehicular access is gained via a gated access in the south-western corner, adjacent to a gateway serving a field and stables to the west. The area also forms part of the Minerals Safeguarding Area for limestone within the LDP. The Lower Rodge woodland to the north-west is protected as a Site of importance for Nature Conservation (SINC) as it forms part of an ancient and semi natural woodland. The site is outside of the catchment for any riparian Special Area of Conservation (SAC) and is not considered to be in a phosphate sensitive area.



At the time of inspection, the land was laid to pasture with a steel storage container, a small domestic style summer house and a static caravan installed adjacent to the north-western boundary. A gravelled driveway and area of hardstanding have also been installed leading from the vehicular access which has been altered and widened through the removal of part of the south-western boundary hedge and replacement with a 1.8 - 2m high close boarded fence and a set of inward opening double gates which had also been clad with close boarded timber panels. A small paddock area had also been developed using post and wire fencing, adjacent to the south-eastern boundary to provide a contained exercise space for the applicant's dogs. A short section of close boarded fence had also been erected within the field. The PROW has been re-routed from an existing stile running along the boundary of the field and not through the middle as it had run.

Based on aerial photographs, the land appears to have been used as grazing/ pasture for some time having originally formed part of the Council's agricultural estate portfolio, but was subsequently sold. The application site was subdivided from the land to the west between 2000 and 2005. A stables and storage container are evident on the land to the west (i.e. outside the application site) with aerial photographs indicating these were erected/ installed between 2005 and 2010.

### 1.2 Background

This site was subject of a recent planning appeal (Ref: CAS-02244-P5N1M3) which was dismissed on the basis of the inaccuracy of the supporting plans. There are a number of unauthorised structures/developments on the site which are not sought for retention as part of this application and therefore are not for consideration in the assessment of this application. These structures/developments are being pursued via a separate planning enforcement investigation. Discussions were had between the Planning Officer and the applicant and their agent in an attempt to agree a timeframe/schedule of works for the unauthorised developments which could form part of this application to be controlled via a condition, however as the timeframe was not agreeable this has not progressed and therefore does not form part of this application.

### 1.3 Proposal Description

The application seeks full planning permission for use of the land for equestrian purposes including the construction of stable and storage facilities and a manege. Consent is sought for the entire site in respect of the equestrian use although the built form/development would be concentrated in the section of land adjacent to the adopted highway. The stables and store are proposed to be sited along the south/west boundary of the field running parallel to the access road with the buildings facing inwards. The buildings adopt a simple utilitarian design typical for this nature of development. The stables are proposed with a stepped arrangement and would be constructed of blockwork with timber cladding and are arranged as five individual stables. The store is proposed to be arranged as a store, tack and dry room with a simple rectangular shape constructed of blockwork and clad in timber. The manege would be located centrally in this section of the field and be constructed with a rubber surface. The proposed plans show the re-routing of the Public Right of Way, and this will require a separate consent. The application includes the erection of boundaries consisting of planting and fencing to demarcate the total area. The scale, design and position of the development is illustrated in full on the submitted drawings.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/00738	Proposed equestrian use including an 8 stable block, tack room, hay room, manege and temporary siting of caravan.	Refused	20.07.2022

DC/2005/00094	Replacement Garage (For Private Use)	Approved	22.03.2005
DC/2000/00534	New Pitch Roof Over Existing Flat Roof Extension.	Approved	14.07.2000
DC/2003/01373	Single Storey Side Extension	Approved	13.05.2004

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

#### **Strategic Policies**

S10 LDP Rural Enterprise  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S15 LDP Minerals  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
EP5 LDP Foul Sewage Disposal  
M2 LDP Minerals Safeguarding Areas  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

#### **Supplementary Planning Guidance**

Renewable Energy and Energy Efficiency SPG March 2016  
Green Infrastructure April 2015

### **4.0 NATIONAL PLANNING POLICY**

Future Wales - the national plan 2040  
Planning Policy Wales (PPW) Edition 11  
Technical advice note (TAN) 5: nature conservation and planning  
Technical advice note (TAN) 6: planning for sustainable rural communities  
Technical advice note (TAN) 12: design  
Technical advice note (TAN) 16: sport, recreation and open space  
Technical advice note (TAN) 18: transport  
Technical advice note (TAN) 24: the historic environment

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Caerwent Community Council:** Objects to the proposed development; grounds include: highway safety will be compromised; an increase in larger vehicles; insufficient parking on hard standing; a condition may be required regarding who will maintain the new hedge along the diverted public footpath; protected and priority species do not seem to be considered in the application; little consideration of waste storage and collection; existing concerns about the already installed cesspit; no specific detailed plans for temporary vehicles and buildings; illegal removal of hedgerows has already taken place - not mentioned in the environmental report; a postcode error on the application leads to confusion as to who is the owner of the land, and if a condition is applied limiting regular visitors to the site to the applicant and her family, as suggested by the applicant in the supporting planning statement, then it needs to be clear whether it is immediate or extended family.

**MCC Highways:** No objection

**MCC Landscape/GI:** No objection subject to conditions

**MCC Ecology:** No objection subject to conditions

**MCC Public Rights of Way (PROW):** No objection

**Cadw:** No objection.

**MCC Environmental Health** – Acknowledgement that a Waste Management Plan has been submitted. EH are of the opinion that the attached strategy provides sufficient detail to demonstrate how waste will be managed at the proposed development to protect the living conditions of neighbouring occupiers. They do however recommend that the draft condition is amended to include reference to ensure waste is managed in accordance with DEFRA's Codes of Good Agricultural Practice.

#### **MCC Lead Local Flood Authority-**

The applicant has demonstrated a mean of surface water discharge via infiltration. The information provided by the applicant to the SAB demonstrates that infiltration is possible and therefore we have no objection on surface water drainage destination basis. The detail of the drainage will be managed through the SAB process.

### 5.2 Neighbour Notification

This application was advertised by means of three site notices. A number of representations have been received in opposition to the proposed development.

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 site is located in an area of open countryside within the Community of Caerwent. In such locations, there is a general presumption against new development unless the proposed development accords with national planning policy or specific policies in the LDP. In respect of this proposal, policies LC1 and RE6 of the LDP are relevant as they offer the potential for new development in the open countryside subject to the proposal meeting their specified criteria.

Policy LC1 requires the proposal to be considered against one of the following LDP policies: S10, RE3, RE4, RE5, RE6, T2 and T3 and provides the following criterion that proposals must comply with:

- 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

The relevant policy in this case is LDP Policy RE6 - Provision of Recreation, Tourism and Leisure Facilities in the Open Countryside, which supports new recreational and leisure uses in the countryside.

Policy RE6 specifies the following:

"Development proposals for recreation, tourism and leisure uses in the countryside will be permitted provided that they are of a small-scale, informal nature and subject to detailed planning considerations, including adequate safeguards for the character and appearance of the countryside (particularly its landscape, biodiversity and local amenity value). Development must re-use or adapt existing buildings where possible. In exceptional circumstances new buildings of an appropriate scale may be acceptable where justified and where the proposal meets the criteria set out in Policy LC1".

In principle, the proposed use of the site for the keeping of horses/equestrian activity is considered to be an acceptable use within this location on the basis that the use is personal only and there is no commercial use or livery operated from the site. It is considered that the use of conditions could adequately ensure that the use of the site remained compliant with the objectives of Policy RE6 in this respect. There is no objection to the development of the site for the proposed "arena" or to small scale stables being constructed on site to be used in accordance with the small-scale equestrian use. The stables as proposed are of a limited scale and simple design and therefore are not considered to result in any unacceptable adverse visual impact that would be harmful to the amenity or landscape character of the area.

The agent acting in this matter has provided justification for the scale of the proposed storage building which is considered to be reasonable and warrants the size of the store relative to the number of horses to be stabled on site.

The application forms part of a Minerals Safeguarding Area, although the scale and nature of the proposed development is not considered to sterilise the site from mineral extraction in the future and therefore no objection is raised in this respect.

In this instance the proposed development is considered to comply with the criteria as set by the relevant policies of the Monmouthshire LDP and therefore the proposed development is considered to be acceptable in principle.

## 6.2 Sustainability

The application site is located outside of the settlement boundaries where both local and national planning policies seek to restrict new development. The site is not easily available via public or sustainable modes of transport and it is therefore considered that most journeys to/from site will be via private motor vehicle. In this case the lawful use of the land is for agricultural purposes and the proposed use for the keeping and exercising of horses for personal use is not considered to result in such a significant uplift to vehicular journeys to/from site and therefore no concern is raised in respect of the sustainability of the site relative to the proposed use.

## 6.3 Place Making/Good Design/Landscape

The land associated with the proposal extends to about 2 hectares (5 acres) and is positioned on the north side of the Five Lanes highway. With the exception of the unauthorised structures installed on the site by the applicant, there are no buildings on the land, with the area historically used for grazing or for the taking of a hay/ silage crop. Either side of Five Lanes are pockets of development comprising dwellings with outbuildings and/ or stables, field shelters, maneges, etc. Typically, the developments are positioned in close proximity to the highway and as such appear as a form of ribbon development.

With regards to new development in the open countryside, in association with Policy RE6, LC1 specifies the following:

"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."

Policy LC5 states:

"Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment."

Policy DES1 reflects national planning policy and the objectives of good design. The policy sets out the general design considerations that development proposals in the County will be expected to meet in order to ensure that approved developments display character, respect local distinctiveness, complement their surroundings and provide attractive, sustainable and inclusive environs with key areas of consideration being given to ensuring that the amount of development and its intensity is compatible with existing uses; that developments respect the existing form, scale, siting, massing, materials and layout of their setting and any neighbouring quality buildings and developments respect built and natural views and panoramas where they include historical features and / or attractive or distinctive built environment or landscape.

The application site is visible from the public realm and a PROW crosses the land thus, any development is considered to have an impact upon the amenity and character of the immediate area and to impact upon the amenity and character of the countryside.

The proposed manège is considered to be of a scale that is appropriate for private use and is proposed to be finished with a permeable membrane and 100mm thick base of sand shredded rubber and is not illuminated. It is considered that these are finishes appropriate within this context and does not have an adverse impact on the character of the wider landscape.

The proposed external finish of timber cladding is considered to be acceptable for the barn and stable, but it is considered necessary to condition that the external finish will be applied and completed prior to the development coming into beneficial use as to safeguard the special character of the countryside. In this instance given the limited scale and nature of the proposed development it is not considered that there would be any unacceptable adverse impact upon the amenity or character of the area. No conflict with LDP policies DES1 or LC1 have been identified.

The proposed development due to its limited scale and height, siting and acceptable design is not considered to result in any significant impact upon the landscape character of the area that would warrant concern or the refusal of this application. The Council's Landscape/Green Infrastructure Officer has been consulted on this application and raises no objection subject to conditions. No conflict with LDP Policy LC5 has been identified.

#### 6.4 Biodiversity/Green Infrastructure

The application is supported by a Preliminary Ecological Appraisal Report completed by New Ways Ecology dated 24/07/2023 which concludes that the proposed development would not have any significant adverse impact upon biodiversity interests on site or within the wider area. The proposal has been reviewed by the Council's Ecologist who raises no concern in relation to the development subject to conditions in relation to controlling dust generated by the manure, manage lighting and to provide a biodiversity enhancement. In this case the lighting and dust conditions are considered necessary, however the biodiversity net benefit is considered to be achieved by the proposed planting and therefore it is instead considered more appropriate to condition that full details of the planting scheme be submitted for approval prior to the commencement of development.

There are no additional soft landscaping proposals for the site and so it is not necessary to condition further details.

### 6.5 Historic Environment

The application site is located on the hillside to the south-west, above the village of Caerwent. The wider site is approximately 355m to the south-west of the Conservation Area boundary; 750m to the south-west of the Scheduled Ancient Monument (SAM) with the storage building approximately 500m to the Conservation Area boundary and 900m to the south-west of the SAM designation.

Given the limited height and scale of the proposed development it is considered that any impact in respect of intervisibility between the historic assets and the site would be minor and not result in any unacceptable impact. Cadw have been consulted on this application and raise no objection to the proposed development in respect of its impact upon the designated historic assets. The proposal is therefore considered compliant with the requirements of Technical Advice Note (TAN) 24 - The Historical Environment and LDP policies S17 and HE1.

### 6.6 Impact on Amenity

There are residential properties within the vicinity of the site, the closest being High Mass Cottage which is positioned approximately 160m to the east of the southern part of the site. Based on the distances maintained, it is considered that the development proposed would not generate any increased overshadowing, loss of light, increased overlooking or loss of privacy.

As the development would be for personal use, it is considered that the noise and disturbance generated would be no greater than a standard domestic or agricultural arrangement (with consideration given to the potential use of larger machinery to move bales of hay etc). Given the distances maintained between the proposal and closest neighbouring property, the pattern of development already around that dwelling and the overall context of the area with active agricultural operation in place, it is considered that any noise or disturbance generated would not be so detrimental to residential amenity to warrant refusal of the application on such grounds.

Although the residential properties to the east of the site benefit from first floor windows in the northern elevation overlooking the site and land beyond, being mindful of the distances and intervening hedges maintained between, it is considered that the proposal would not have an overbearing impact or inhibitory impact on the outlook to warrant refusal of the application.

Details of the proposed method of the management of manure and disposal of waste has been provided and reviewed by the Authorities Environmental Health Officer. The EH Officer considers that the management plan is sufficient for managing manure and general waste from site. However, they suggest that a condition be added to ensure compliance with the Management Plan and in accordance with DEFRA's Code of Good Agricultural Practice. Therefore, it is considered that the development would not generate an unacceptable level of harm or adverse impact on the amenity of neighbours in line and is considered compliant with LDP policies S13, DES1 and EP1.

### 6.7 Highways

The proposed development is expected to generate additional vehicular journeys to/from site relative to the existing use as an agricultural field. However, taking the expected increase into consideration the overall trip generation is still considered to be low. The Council's Highways Section has been consulted on this application and raises no objection. The proposed access is deemed to be acceptable for the proposed use, and no concern is raised in relation to traffic generation or capacity of the local highway network. It is considered necessary to condition that the use of the land is solely for private use to ensure there is no unacceptable adverse impact upon highway safety in the area. It is acknowledged that highway safety has been raised as a concern within representations from the public consultation but based on the above it is not considered to warrant a reason for refusal. The proposed development is considered to comply with LDP Policy MV1.

### 6.8 Public Right of Way

The application site is crossed by a public right of way. As part of the development it is proposed that the right of way be diverted so that it is positioned adjacent to the eastern boundary of the site. During the pre-application process the applicant was advised that granting of planning permission does not entitle developers to obstruct or divert a public right of way, nor must it be assumed that because planning permission has been granted that an Order under s.247 or s. 257 of the Town & Country Planning Act 1990, for the diversion or extinguishment of the right of way, will invariably be made and confirmed.

### 6.9 Drainage

As of the 7 January 2019, all construction works with a cumulative constructional area of 100m<sup>2</sup> or more are required to have a Sustainable Drainage System (SuDS) to manage on site surface water designed in accordance with the Welsh Government Standards to Sustainable Drainage. SuDS Approving Body (SAB) consent is independent of planning permission and the applicant has been advised of the requirements to secure such consent prior to any further works take place on site.

Details of the proposed soakaway and drainage destination have been provided by the applicant and reviewed by the Authorities Sustainable Drainage System team who do not raise any objection. The information has shown that infiltration is possible and therefore they have no objection to surface water drainage proposals.

Full details of the proposed drainage system will be necessary as part of the SAB application and properly managed by the SUD's team. On the basis of the above, the application is considered compliant with LDP policies S12, S13, SD4, NE1 and EP5.

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

Representations in opposition to the proposed development have been received from both the Community Council and from members of the public. Many of the points raised have been addressed within earlier sections of this report, however the main themes have been identified below:

**Visual impact/Impact upon character of the area** – this has been considered within an earlier section of this report and is deemed to be acceptable.

**Overdevelopment of the land** – an objection in relation to the number of horses relative to the size of the available land has been received stating that the proposal represents an over-development as it cannot provide sufficient grazing land for the number of horses. The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010, provides specific stocking ratios that must be observed. However, this legislation is not applicable to leisure animals such as horses and ponies. Under the requirements of the Animal Welfare Act 2006 (which is regulated and enforced by the Department for the Environment Food and Rural Affairs (DEFRA), the RSPCA and the Police) it is the owner or keeper's responsibility to ensure reasonable steps are taken to

ensure their animal's welfare needs are met and it is for them to assess whether the site is suitable for their animals.

Paragraph 1.10 of the Code of Practice for the Welfare of Horses which is issued under section 14 of the Animal Welfare Act 2006, provides the following information:

"As a guide, in order to maintain correct body condition, each horse requires a minimum of 0.4 to 0.6 hectares (one to one and a half acres) of good grazing if no supplementary feeding is being provided. However, this will depend on the ground conditions, the time of year, type of horse and degree of pasture management employed. A smaller area may be appropriate where a horse is principally stabled or housed and grazing areas are used only for occasional turnout."

Paragraph 1.13 specifies:

"It is not always practical or possible to remove horses from fields or pastures which become muddy, however, it is essential that the horse does have a comfortable, well drained area on which to stand and lie down, and on which to be fed and watered."

As a result, the structural development proposed, the area of land available for grazing would be reduced to approximately 1.7hecatre (4.28 acres) and is smaller than that advocated by the Code. However, the space requirement relates purely to the area required for good grazing if no supplementary feeding is being provided and does not relate to the land area required for turnout purposes. Following discussions, the applicant has confirmed that the animals would be stabled overnight from the end of October to April and during inclement weather, with daily turnout provided on the remainder on the pasture to the north or within the manege. All animals would be provided with daily supplementary feed in the form of hay/ haylage and hard feeds (to be stored in the large building) whilst stabled or turned out within the arena. Day time summer stabling will also be practiced during hot weather and/ or to reduce exposure to fly and midges which can lead to skin conditions. Whilst it is likely that the pasture area would become poached as a result of use in the winter this is not uncommon and can be rectified through the appropriate management of grazing, resting of pastures, use of the manege and animal rotation thereby reducing the intensity of use and impact on the land to the benefit of the character and amenity of the wider area.

As a result of the management techniques available in conjunction with the facilities proposed, it is considered that the site is capable of accommodating the number of horse proposed. Being mindful that the animals would have access to drained and surfaced areas (stables and manege) on which to stand, lie down, be fed and watered with further turnout space provided on pasture land it is considered that the proposal would be compliant with the requirements of the Code.

**Highway Safety** – the Council's Highways team has considered the application and raise no concern in relation to highway safety or to traffic generation as a result of the proposed development. Concerns have been raised from the public consultation in relation to the nature of vehicles using the lanes to access the site. This is not considered to warrant a reason for refusal given the nature of vehicles that would likely use the highway network to access the land in respect of the use as an agricultural field. In respect of parking facilities the development does not propose a dedicated parking/hardstanding for vehicles as they state this will not be required. The lack of a designated parking area is not considered to warrant the refusal of this application and it is considered there is sufficient room for vehicles to park within the field adjacent to the entrance.

**Public Right of Way** – objections have been received in relation to the diversion of the PROW; from a planning perspective there is no objection to the proposed alternative route but this is controlled under separate legislation and consent would need to be obtained via the correct channels irrespective of the outcome of this planning application. This application would not provide consent for the re-routing of the PROW. In respect of the responsibility for maintaining the hedges this would fall to the land owner and therefore no such condition would be required.

**Protected priority species** – the supporting documents submitted with this application detail the means of how the development would not have an adverse impact upon priority/protected species. This has been considered by the Council's ecologist and is deemed to be acceptable within the context and relative to the scale and nature of the development.



**Waste Management** – this has been considered in an earlier section of this report and it is considered this can be controlled via condition.

**Unauthorised developments** – the existing unauthorised developments are not included within this application and therefore do not form part of the proposed development and cannot be considered in the assessment of this application. The existing unauthorised developments are being considered under a separate planning enforcement investigation, and while they are within the red line boundary for the site, they do not directly impact upon the proposed development.

**Limitations of the use** – consent is being sought for a personal use of the land and therefore it is considered sufficient to condition that the use of the land is for personal use only and not for commercial purposes.

**Incorrect/misleading/missing information** – The detail as provided within the application form and associated documents are considered to be accurate and sufficient for the purposes of this application to be considered valid and for an assessment to be made on the proposed development.

It is considered that the proposed development is acceptable and accords with both local and national planning policies.

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

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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**

Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

### **7.0 RECOMMENDATION: APPROVE**

#### **Conditions:**

##### **TIMESCALE**

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.

##### **APPROVED PLANS**

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.

##### **SURFACE WATER**

3 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

##### **EXTERNAL CLADDING**

4 The development hereby approved shall not come into beneficial use until the wooden cladding as shown on approved plans PLN-1 and PLN-3 has been applied and completed. The cladding shall be maintained thereafter in perpetuity.

REASON: In the interests of visual amenity and to safeguard the special character of the countryside.

### **WASTE MANAGEMENT**

5 The development shall be operated in accordance with the approved waste management plan dated 25.10.23 and in line with the DEFRA codes of good agricultural practice at all times that the site is in beneficial use.

REASON: To protect the living conditions of neighbouring occupiers.

### **HEDGE PLANTING**

6. The proposed hedges shall be planted in a native species that shall consist of and be planted in accordance with the following specification:

Blackthorn 25%, field maple 10%, hawthorn 50%, hazel 10% and holly 5%

450-600mm height Br (bareroot)

Destiny 5 plants / lin m in a double staggered row 300mm between rows

Protection: Biodegradable spirals to each plant. Either stock proof fence or lighter fence such as chicken wire or chestnut paling to protect from vehicles / people walking through

Mulch: bark chips 50mm depth to 600m width

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 policies LC5, DES 1, S13, and GI 1 and NE1.

### **LANDSCAPING COMPLIANCE**

7 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 beneficial use 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 policies LC5, DES 1, S13, and GI 1 and NE1.

### **LANDSCAPING MAINT**

8 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 the commencement of development 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

### **PD RIGHTS LIGHTING**

9 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 within the site 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 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.

**SAB REQUIREMENT**

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

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

**LIMIT USE**

11 The development hereby approved shall be for personal use only and shall not be used for commercial purposes, including livery use.

REASON: In the interests of highway safety and to protect the living conditions of neighbouring residents in accordance with LDP Policies MV1 and EP1.

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**Application Number:** DM/2023/01242

**Proposal:** The construction of a workshop and machinery storage and associated development

**Address:** Llan Farm, Nant Road To The Grange, The Hendre, Monmouth, NP25 5NX

**Applicant:** Xafinity Pension Trustees Ltd

**Plans:** Site Plan 1749/101 - A, Floor Plans - Proposed 1749/102 - , Floor Plans - Proposed 1749/103 - , Elevations - Proposed 1749/104 - , Elevations - Proposed 1749/105 - , Location Plan 1749/106 - , Landscaping Plan P0599

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham  
Date Valid: 05.09.2023

**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 an existing group of farm buildings located approximately 5 miles from Monmouth. The farm is situated in a self-contained rural location in open countryside. The applicants wish to create a long term equestrian business and family home at the site.

The property already benefits from planning approval DM/2019/02004, granting the change of use of the existing granary and a range of traditional stone barns within the adjoining courtyard into a single residential dwelling, alongside the associated works necessary for conversion along with the establishment of a professional equestrian enterprise, under planning reference number DM/2022/00905.

The site is within the Phosphorous Sensitive Catchment Area of the River Wye Special Area of Conservation.

#### 1.2 Proposal Description

It is proposed to erect a new single storey workshop and machinery store on the site of a former Dutch barn. The removal of the Dutch barn was part of the previous planning approval (DM/2022/00905).

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/02004	The change of use of a range of traditional stone barns into a single residential dwelling (C3) along with works necessary for conversion.	Approved	10.03.2020

DM/2022/00389	Discharge of condition 8 (WSI) relating to application DM/2019/02004.	Approved	30.06.2022
DM/2022/00525	Change of use from agricultural to equestrian land, creation of outdoor riding arena and horse walker.	Approved	12.08.2022
DM/2022/00863	Discharge of condition 10 (Bat method statement/mitigation strategy) for planning decision DM/2019/02004.	Approved	15.09.2022
DM/2022/00886	Condition 6 relating to DM/2019/02004 (to enable the installation of a drainage system in advance of any structural building works commence).	Approved	08.08.2022
DM/2022/00905	Creation of equestrian facility for professional rider, to include change of use of land to equestrian, re-use of existing agricultural barn to provide American barn stabling with ancillary areas, erection of indoor riding arena, storage barn and lunge pen.	Approved	15.11.2022
DM/2023/00183	Discharge of condition 5 and 7 of DM/2022/00905 Hard and Soft Landscaping details and schedule of maintenance	Approved	30.03.2023
DM/2023/01080	Extension and modernisation of Llan Farmhouse.	Approved	08.12.2023
DM/2023/01116	Equine Manure Storage Barn.	Approved	12.10.2023

### **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  
EP5 LDP Foul Sewage Disposal  
LC5 LDP Protection and Enhancement of Landscape Character  
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

**Whitecastle Community Council** - Members expressed their concern about the cumulative effect of the many different planning applications for this site and asked Cllr. I. Chandler to request application DM/2023/01242 be referred to the Planning Committee for decision.

**Natural Resources Wales (NRW)** - No objections. The application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

**MCC Biodiversity** - No objections.

**MCC Landscape** - The overall landscape strategy detailed drawing PO599, provides an overview of development proposals and a strategic approach to landscape and biodiversity for the site which is welcome.

**MCC SAB** – No objection. SAB application for whole site pending.

SEWBRc Search Results - No significant ecological record identified.

### 5.2 Neighbour Notification

No comments received.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

County Councillor Ian Chandler - Attended the meeting of Whitecastle Community Council. Some concern was expressed about the cumulative effect of the many different planning applications being sought for Llan Farm, and so they asked me as the Ward Member to request that the application be referred to Planning Committee for decision.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 The proposed workshop building has been designed to minimise the impact on the adjacent farmhouse whilst retaining the historical agricultural character of the site and surrounding land. This building has been designed to store machinery and equipment required for the running of the agricultural and equestrian enterprise safely and securely.

6.1.2 The materials used have been chosen to reflect the existing buildings and blend into the surrounding rural landscape with Welsh blue slate tiles (to match those of the existing farmhouse and barn) and timber clad walls left to weather over time to a natural colour. The natural timber will assimilate well with the stone walls of the surrounding traditional properties and boundary treatment. The building will be surrounded by new orchard and native hedgerow planting. The design, scale and form of the proposed new workshop is considered to be appropriate to its setting which feature a mix of commercial and domestic uses.

6.1.3 Consequently, it is considered that the rural character of the area will not be harmed by the proposed workshop and machinery store and the development complies with LDP Policy DES1.

### **6.2 Landscape Impact**

6.2.1 The site is located in open countryside within the context of the existing farm and farm buildings. The external environment to the farm is of small outbuildings and a larger barn complex subject to a separate approved application to be removed. Areas of open grass, shrubbery and orchard extend to the boundary of Nant Road and operational areas of the farm.

6.2.2 The landform is such that the area is slightly elevated in an undulating, predominantly pastoral landscape. The site is located in the Kingswood Local Character Area (LCA) typified as an upland south-east facing ridgeline overlooking the Trothy Valley to the south and Monmouth to the east. It is dissected by a number of streams and tributaries and is dominated at its highest point in the south by Kingswood creating an important visual marker in the surrounding landscape. The land cover comprises mainly medium to large fields of mixed pasture and arable crops, interspersed with bracken scrub and small scattered blocks of woodland. This LCA does not contain any settlements identified in the LDP although the village of Newcastle is just north of the site.

6.2.3 Policy LC 5 - Protection and Enhancement of Landscape Character, highlights the importance of Monmouthshire's landscape character, and that development would be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects.

6.2.4 Extensive landscaping and planting proposals have been approved in and around the farmyard and equestrian site which have incorporated parts of both the commercial and residential areas of the property. In terms of this application, the existing hedgerow features will be enhanced and a new orchard will be planted. The overall landscape strategy provides an overview of development proposals and a strategic approach to landscape and biodiversity for the site which is considered to be acceptable. This shows that an orchard of seven trees was to be planted on the area where the workshop is proposed. The orchard now proposed in this application is slightly smaller having six trees. This slight reduction is considered to be acceptable given the extent of the landscaping proposed across the wider site.



6.2.5 Implementation of the landscaping should be conditioned if Members are minded to approve the application.

### **6.3 Impact on Residential Amenity**

6.3.1 The site is located in a secluded position, with no immediate neighbours. Therefore there will be no negative impact from the development on any neighbouring properties and there is no conflict with LDP Policy EP1.

### **6.4 Access / Highway Safety**

6.4.1 No changes to the main vehicular access are proposed as part of this application. A service yard is proposed in front of the workshop/store that will join an existing internal gravel track. Access to the equestrian business and domestic dwelling will remain separate. As such, the proposed workshop development will have no impact on wider highway safety.

### **6.5 Biodiversity**

6.5.1 There are several recent and current applications for the buildings at this site which have been supported by bat survey reports. Bat surveys have concluded 'numerous common and soprano pipistrelles were observed foraging at the site, mainly over the courtyard to the west.' The Dutch barn that is to be demolished has been surveyed and found not to be suitable for use for roosting.

6.5.2 All developments result in net benefit to biodiversity. In this case enhancement measures in the form of new planting on the wider site is proposed. However, there are also opportunities to include features for owls and/or bats on the proposed workshop building itself. The inclusion and retention of these features can be conditioned should Members be minded to approve the application.

### **6.6 Foul Drainage (Phosphates)**

6.6.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives.

6.6.2 Natural Resources Wales has set new phosphate standards for the river Special Areas of Conservation (SACs) in Wales (21st January 2021). 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.

6.6.3 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (version 3 issued 22nd July 2022). It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice: Any development that does not increase the volume and phosphorus concentration of wastewater.

### **6.7 Surface Water Drainage**

6.7.1 Consultants have been commissioned by the applicants to progress a SAB application that encompasses all five current planning applications/consents assigned to the overall site. The option of water re-use will be explored for the equine development and the residential

development. If re-use is not appropriate or sufficient, other SuDS discharge destinations will be considered.

6.7.2 Soakaway testing already progressed at the site has confirmed that utilising infiltration as the primary means of disposal will not be feasible with very poor testing rates evidenced on-site.

6.7.3 The consultants have identified that the nearest open watercourse is located circa 300m south west of the site, therefore discharge into this watercourse is considered feasible. There are proven existing culverted sections which discharge from site to this watercourse with at least two down gradient culverted sections passing under the highway that are clear. These are then piped / culverted down gradient and discharge into the stream.

6.7.4 To comply with Planning and SAB requirements, discharge to a surface watercourse would be restricted to an appropriate rate in order to provide flooding and morphological protection to the watercourse. Sufficient water attenuation will be provided for the 1 in 100 year design rainfall event. The surface water will be attenuated on site within a large field to the south west of the site. A detailed drainage strategy will be prepared by the consultants that identifies that the surface water runoff will be captured at source into a series of SuDS features, including where required swales, basins and permeable surfacing to comply with the SAB requirements. This information is considered sufficient to satisfy SAB requirements for this development pending a full SAB application which will be submitted should Members be minded to approve the planning application.

## **6.8 Response to Community Council Comments**

6.8.1 Whitecastle Community Council raised concerns regarding the cumulative impact of the various planning applications and existing consents at the site as a whole. This application has been assessed in conjunction with the approved householder planning application for the extension and refurbishment of Llan Farmhouse, reference DM/2023/01080. The site has the benefit of planning approval DM/2019/02004, granting the change of use of the existing granary and a range of traditional stone barns within the adjoining courtyard into a single residential dwelling alongside the establishment of a professional equestrian enterprise, planning reference number DM/2022/00905. To date, a large equestrian stable building (labelled as 'American Barn' on the landscaping plan) has been erected. Also consented but not yet built are an indoor and outdoor horse arena, a horse walker and a lunge pen. This part of the site is also to benefit from new tree planting. A substantial gap of approximately 40m between the large commercial equestrian buildings and the proposed workshop will remain.

6.8.2 The proposed workshop is considered to be an appropriate addition to the existing farmyard for the secure storage of farm equipment, tools and machinery, and is a visual improvement on the Dutch barn originally on the site. The proposed building provides a progression in design between the farmhouse and traditional barns and that of the agricultural and equestrian buildings whilst the area as a whole is enhanced by orchard and hedgerow planting.

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

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

## **6.10 Conclusion**

6.10.1 The proposed workshop is appropriate in this rural setting in terms of scale, form and design. The proposed hedgerow planting and orchard will enhance the appearance of the site, and provide net benefit for biodiversity.

6.10.2 The proposed development is therefore considered to be in compliance with both national and LDP Policies LC1, LC5, DES1 and EP1.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

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

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

3 All planting, seeding or turfing comprised in the approved details of landscaping shown on drawings no. PO599 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 Prior to the commencement of development, details of bat and bird mitigation (to include location, position and specification) to be provided on the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be provided prior to the first beneficial use of the extension and shall be maintained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

### **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 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m<sup>2</sup> of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:  
[SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk)

**Application Number:** DM/2023/01329

**Proposal:** Change of Use of Glebe Bungalow to C3 dwellinghouse from Annex and Holiday Let granted permission under DC/2007/00778 and DC/2017/01200

**Address:** Glebe Bungalow, Llantilio School Road, Llantilio Pertholey, Abergavenny, NP7 6NU

**Applicant:** Mr Liam Kirwan

**Plans:** Location Plan - , Site Plan

## **RECOMMENDATION: Refuse**

Case Officer: Ms Kate Bingham  
Date Valid: 26.09.2023

**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 an existing building (Glebe Bungalow) which originally granted permission (DC/2007/00778) as an annex to Glebe Cottage in 2009 and subsequently permission was granted in 2017 to vary the condition allowing it to be occupied as an annex but also let out to visitors as a holiday let (DC/2017/01200). The building itself replaced a static caravan that was on site and occupied as an annex to the same property that was granted a Certificate of Lawful Use in 2007. In 2020, the applicant sold the main house, thereby severing the tie between the house and the annex.

The site is located on the edge of the settlement of Llantilio Pertholey to the north of Abergavenny. The village is not classified as a major or minor village under Local Development Plan (LDP) Policy S1 and the location is therefore considered to be open countryside. For clarity the site sits outside of the development boundary for Abergavenny which is to the west on the opposite side of Hereford Road.

The site is within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

#### 1.2 Proposal Description

Planning permission is sought to retain the use of the building as a dwellinghouse (C3) to allow the applicant to continue to occupy it following its separation from the main house.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2023/00237	Two storey side extension and porch to replace lean-to extension – Glebe Cottage (not annex)	Approved	29.06.2023

DM/2023/00631	Renovations, alterations and conversion of former cowshed/dairy to a holiday let unit – Glebe Cottage (not annex)	Approved	05.10.2023
DM/2023/00946	Discharge of condition 3 (Samples and external finishes) for planning decision DM/2023/00237.	Approved	17.07.2023
DC/2017/01200	Variation of condition 1 (to change the restriction from annex only to holiday let and annex). Relating to application DC/2007/00778.	Approved	25.01.2018
DC/2007/01218	Static caravan used for twenty years for residential purposes - Certificate of Lawfulness.	Approved	17.10.2007
DC/2007/00778	Proposed New Granny Annex to replace Lawful Static Caravan used for Residential Purposes within Curtilage.	Approved	01.04.2009
DM/2023/01329	Change of Use of Glebe Bungalow to C3 dwellinghouse from Annex and Holiday Let granted permission DC/2007/00778 and DC/2017/01200	Pending Determination	

### 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  
S17 LDP Place Making and Design

#### Development Management Policies

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use  
DES1 LDP General Design Considerations  
SD3 LDP Flood Risk  
EP1 LDP Amenity and Environmental Protection  
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.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Llantilio Pertholey Community Council** - No comments received to date.

**Natural Resources Wales (NRW)** - No objections.

**Foul Drainage:** We note that the annex/holiday let which is the subject of this planning application (Glebe Bungalow) was originally within the residential curtilage of the main house (Glebe Cottage) and has been used a dwellinghouse since 2013. Recognising the specific nature of the application submitted, 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.

**Flooding:** Our Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Rivers). As this application is for a change of use from an annex/holiday let to a dwelling, we note that a highly vulnerable use already exists. Given the nature of the proposed development, and in the absence of a flood consequences assessment, we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

**Network Rail** - Network Rail have no objections in principle to the above application. Any external 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 3 months' notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk).

**MCC Environmental Health** - Please note that, with the pre-existing use of the property as an annex to a dwelling and the property's likely historic use as a dwelling, the Public Protection Team have no objections to the sought change in use.

**MCC Biodiversity** - The Biodiversity team has no comment on the above application. We think it is appropriate to secure net benefit in accordance with PPW on all planning applications, including change of use. An appropriate condition is suggested should the application be approved.

**SEWBRc Search Results** - No significant ecological record identified.

### 5.2 Neighbour Notification

Three representations in support of the application for the following reasons:

- I know the occupier has lived in the bungalow for 10 years or more, so I don't see any issues or concerns and are in favour for Glebe Bungalow becoming residential.
- Only right that this dwelling should now be classified as a permanent home and not as a holiday let.
- Very happy for the bungalow to be formally made into a dwellinghouse as opposed to a holiday let.
- Prefer the consistency of residents rather than have frequently changing visitors in such an important building in our small community.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

County Councillor Revd Malcom Lane - I have been contacted by the agent for applicant Mr Liam Kirwan in relation to his application to convert a holiday let to a dwelling house at Glebe Bungalow DM/2023/01329. There are unusual background circumstances and matters in relation to the interpretation of Local Policy H4 Conversion of buildings in the open countryside for residential use, including modern constructed buildings, that should be discussed by the Planning Committee before a decision is made. I have visited the site which is behind St Teilo's Church.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 By way of background to the application, works were completed on the building the subject of this application by 2013. As stated in paragraph 1.1 the building replaced a static caravan that was on site and occupied as an annex to the same property that was granted a Certificate of Lawful Use in 2007. For personal reasons, the applicant had to sell Glebe Cottage (the primary dwelling) - thus separating ownership of Glebe Cottage and Glebe Bungalow (the name of the annex building the subject of this application). As such, it is no longer possible for the applicant to comply with the condition attached to permission DC/2017/01200 limiting the property to being used as an annex.

6.1.2 The condition also allows the use of the building as holiday accommodation although this would not be of benefit to the applicant who wishes to live in the property himself. However, it remains a viable option for the building given that it can no longer be used as an annex and a holiday let would indirectly benefit the economy of the wider area.

6.1.3 Notwithstanding the understanding that there were personal reasons for the separation of ownership of the site, the application must be determined on its planning merits only. In terms of planning policy, the change of use of the building from an annex to a self-contained dwelling falls to be considered under LDP Policy H4 - Conversion of Redundant Buildings in the Open Countryside.

6.1.4 It is important to highlight the supporting text around Policy H4 within the adopted LDP which states in para. 6.1.13 that, "The conversion/ rehabilitation of buildings in the open countryside for residential use is an exception to national policies which generally seek to strictly control residential development in the open countryside."

6.1.15 This is reinforced within Policy H4 and it states that the "criteria will be applied strictly; proposals that are deemed not to comply with them will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation."



6.1.6 Of particular relevance to this application is criterion (e) of Policy H4 which sets out that:

*'Buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit'*

6.1.7 The property is a modern purpose-built two bedroom-building, now set within its own garden. It is served by an access, off road parking, its own private foul drainage and no extensions or alterations are sought for its retention as use as a self-contained dwelling.

6.1.8 However, while it is not disputed that the building has been constructed to a high quality in terms of its appearance and would not require any physical changes, it is undoubtedly of modern construction (being completed in 2013). As such, its design standard does not fundamentally outweigh the failure to comply with criterion (e) of Policy H4 and therefore is unacceptable in principle.

6.1.9 The conversion of this modern annex/holiday let into a residential dwelling does not meet the criteria of Policy H4 of the LDP and there are no overriding reasons to allow the development of a new dwelling in the open countryside. Policy LC1 outlines that "there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies". The application does not outline any rationale for the construction of this unjustified new build dwelling in the open countryside and therefore the proposal does conflict with the requirements of Policies S1 and LC1 of the LDP.

6.1.10 Finally, in support of this application, the applicant has provided some examples of where existing holiday let properties have been granted consent for conversion to dwellinghouses. However, upon review, these examples relate to traditional buildings rather than a modern, purpose-built annex. Therefore little weight can be afforded to these as direct comparison is not possible and no precedent has been established. In summary, there are no material planning reasons to justify the granting of planning permission for a building of modern construction to be used as a single dwellinghouse when it is in direct conflict with criterion (e) of LDP Policy H4.

## **6.2 Impact on Residential Amenity**

6.2.1 The nearest neighbouring dwelling is Glebe Cottage but this is over 20m away from any habitable room windows of the building in question and therefore overlooking between the two is minimal. There are no other existing dwellings within close proximity of the site with St Teilo's Church being located to the north.

6.2.2 It is noted that the current occupier is in support of the application and representations have been made by other local residents that there is a preference for a permanent residential dwelling rather than a holiday let.

## **6.3 Access / Highway Safety**

6.3.1 The property benefits from its own access, parking and turning area which spurs off from a shared entrance onto the highway with Glebe Cottage. No changes are proposed as part of this application.

## **6.4 Biodiversity**

6.4.1 As there are no physical works proposed as part of this application there are no issues in relation to loss of habitat or harm to any protected species. However, it would be appropriate to secure net benefit for biodiversity in accordance with PPW. This could be secured via condition should Members be minded to approve the application,

## **6.5 Flood Risk**

6.5.1 Natural Resources Wales (NRW) Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Rivers). The current lawful use as an annex/holiday let is already considered to be a highly vulnerable use in terms of flood risk and the proposed change of use would not increase this risk. As such NRW have no objections on flood risk grounds subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

## **6.6 Foul Drainage (Phosphates)**

6.6.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives.

6.6.2 Natural Resources Wales has set new phosphate standards for the river Special Areas of Conservation (SACs) in Wales (21st January 2021). 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.

6.6.3 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (version 3 issued 22nd July 2022). It is considered that 'No Likely Significant Effects' on the SAC are anticipated as a result of this development proposal as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice: Any development that does not increase the volume and phosphorus concentration of wastewater. The building already has consent to be used as an annex and a holiday let. The proposed change of use would not lead to any material increase in occupation.

## **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 Having carefully reviewed the case made to retain the use of building as a self-contained dwelling, there are no material planning reasons or other reasons so exceptional to overcome the principle of a building of modern construction being suitable for conversion which fails to comply with criterion (e) of LDP Policy H4 and thus would be contrary to policies S1 and LC1.

## **7.0 RECOMMENDATION: REFUSE**

### **Reasons for Refusal:**

The building is of modern construction, being completed in 2013. As such, it cannot be considered favourably for conversion as a separate dwelling as it fails to comply with criterion (e) of Policy H4 of the Monmouthshire Adopted Local Development Plan in that it would represent an unjustified new dwelling in the open countryside which also conflicts with Policies S1 and LC1.

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## Appeal Decision

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

an Inspector appointed by the Welsh Ministers

Decision date: 19.12.2023

Appeal reference: CAS-02633-G3J5P6

Site address: 25 Beaulieu Barn, Kymin Road, The Kymin, Monmouthshire, NP25 3SD

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr J Tuttle against the decision of Monmouthshire County Council.
  - The application Ref DM/2022/01819, dated 21 December 2022, was refused by notice dated 31 March 2023.
  - The application sought planning permission for retrospective application for amendment to previously approved planning application: DM/2020/00669 without complying with a condition attached to planning permission Ref DM/2020/01766, dated 29 October 2021.
  - The condition in dispute is No. 3 which states:  
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 attached to or be positioned in the curtilage so as to illuminate the elevations of the building.
  - The reason given for the condition is:  
To ensure retention of roosting/foraging opportunities for Species of Conservation Concern and to ensure compliance with LDP Policy NE1
  - A site visit was made on 7 December 2023.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. The application for costs made by Mr Tuttle against Monmouthshire County Council is the subject of a separate Decision.

### **Main Issue**

3. The main issue is the removal of condition 3 of planning permission DM/2020/01766 on protected species.

### **Reasons**

4. The appeal property is a converted barn in the open countryside. Planning permission to retain extensions and alterations to the dwelling was granted in 2021 subject to the disputed condition. At the time of my visit, the only light I saw in the curtilage of the building was on a post less than 1m high at the pedestrian gate to the front garden.
5. I saw lights on the north, south and west elevations of the building, angled so as to illuminate the gardens and patio area but not the building. The disputed condition prohibits lighting or lighting fixtures *'attached to or be positioned in the curtilage so as to illuminate the elevations of the building.'* It does not prohibit the fixing of lights to the building.
6. The appellant does not dispute the Council's assertion that there are a high number of bat records within one kilometre of the appeal site. At least eleven of the UK's seventeen breeding bat species recorded including lesser horseshoe, greater horseshoe and barbastelle bats which are known to be particularly light sensitive. Further, the appeal site is within 40m of a management unit of the Wye Valley Woodlands Special Area of Conservation (SAC). A qualifying feature of the SAC is the lesser horseshoe bat population supported by the woodlands.
7. That the building may not provide suitable habitat for bats does not mean they do not frequent the area. The records referred to above indicate it is highly likely bats are present around the appeal site. That bats (a protected species) are affected by light is long established and, in the absence of a survey demonstrating bats are not present, I consider the condition meets the test of necessity set out in Circular 16/14. The condition is precise and enforceable, there can be no doubt as to what the condition prohibits. Further it is relevant to the development permitted and serves a planning purpose.
8. The permission to convert the barn was subject to a condition requiring lighting attached to the building to be angled downwards and not be placed over 2.3m above ground level. The extension permitted in 2016 required lighting on, not of, the extension to be low level. Neither of these conditions conflict with the prohibition against illuminating the elevations of the building by lighting or lighting fixtures located within the curtilage. Nor does the condition subject to this appeal require the removal of lighting already installed, only its realignment to avoid illuminating the building.

### **Conclusion**

9. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.
10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to embed our response to the climate and nature emergency in everything we do.

*A Thickett*

Inspector



## Costs Decision

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

an Inspector appointed by the Welsh Ministers

Decision date: 19.12.2023

Costs application in relation to Appeal Ref: CAS-02633-G3J5P6

Site address: 25 Beaulieu Barn, Kymin Road, The Kymin, Monmouthshire, NP25 3SD

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- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
  - The application is made by Mr J Tuttle for a full award of costs against Monmouthshire County Council.
  - The appeal was against the against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- 

### Decision

1. The application for an award of costs is refused.

### Reasons

2. The Development Management Manual advises that costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense. The costs application is made on the grounds the Council had no substantive reason not to determine the appeal application within the statutory time limit.
3. The appellant does not dispute he was advised to support the appeal application with a statement from an ecologist. No such statement was submitted and the local planning authority was duty bound, in light of the potential impact of removing the condition on protected species, to seek specialist advice before determining the application.
4. The appeal application was submitted on 22 December 2022. The Council was closed over the Christmas period and, therefore, unable to process the application or seek the necessary advice until the holiday period was over. In my view, this is a substantive and reasonable ground for failing to meet the statutory time limit.

### Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated and the application for an award of costs is refused.

*A Thickett*

Inspector

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## Appeal Decision

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

an Inspector appointed by the Welsh Ministers

Decision date: 18/12/2023

Appeal reference: CAS-02706-T1R7H4

Site address: Land off Hardwick Cottage, Hardwick Hill, Chepstow, Monmouthshire, NP16 5DT

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Madge against the decision of Monmouthshire County Council.
  - The application Ref DM/2022/00956, dated 28 June 2022, was refused by notice dated 26 October 2022.
  - The development proposed is a single dwelling and garage with associated external works including driveway, parking and garden provision.
  - A site visit was made on 7 December 2023.
- 

### Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule at the end of this decision.

### Application for costs

2. If one ticks 'Yes' in answer to the question on the appeal form regarding making an application for costs, one is then required to make the application on the appeal form (or submit on a separate sheet). On the appeal form the appellants' cite the fees incurred employing their architect and highway consultant but no more. No additional costs submission is made.
3. Costs are awarded only where it has been demonstrated that a party has behaved unreasonably and that unreasonable behaviour led the party applying for costs to incur wasted or unnecessary expense. The appellants' make no case in these terms with regard to costs and I have treated the application as not made.

### Main Issue

4. The main issue is the impact of the proposed development on highway safety.

### Reasons

5. The site comprises a paddock/field adjoining Ashfield House. Access to the site would be to Hardwick Hill (A48(T)) via an existing field gate. The A48(T) is subject to a 20mph

speed limit as it passes the site. The A48(T) is a trunk road in this location and the Council defer to the Welsh Government (Network Management Division)(NWD) on highway matters. The appellant disputes the competence and authority of the NWD, arguing the proposal does not involve: *'the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour.'* (Article 19(a) Town and Country Planning (Development Management Procedure) (Wales) Order 2012).

6. NWD disagree but I do not consider resolving this argument is a matter for me or that doing so would assist me in determining this appeal. The Council has deferred the defence of this appeal to NWD and it is its submissions I must consider.
7. The Design Manual for Roads and Bridges standards (DMRB) apply to all new and modified accesses to the trunk road network. The proposed development would utilise an existing access, it is not new, nor is it proposed to be modified. The appellants' state the gate is used to access the field and is a secondary access to the appellant's house. At the time of my visit, there was a car parked just behind the gate to the field. However, whatever the existing use of the access, it is fair to assume its use would increase as a result of the proposed development. It is, therefore, reasonable to consider whether it would be suitable to serve the proposed development.
8. NWD argue the DMRB minimum standards in accordance with a 60 kph design speed should apply (around 37 mph). However, with regard to visibility, Table 2.10 of DRMB CD 109 includes stopping site distances at 50 kph (around 31 mph), why would this be if applying standards below a 60 kph design speed is not permissible? I appreciate the DMRB sets out circumstances where standards may be relaxed but standards should not be applied slavishly, regard must be given to the circumstances of each case.
9. The speed limit when the appeal application was refused was 30 mph, it is now 20 mph. Vehicle movements would increase as a result of the proposed development. However, NWD do not dispute the appellants' contention that; *'single dwellings and field gates are defined as having direct equivalence within DMRB CD 123, and movements have been demonstrated to not exceed the allowable margins for either use.'*
10. Visibility at the access is 2.4m by 70m in either direction. This satisfies the guidance in Table 2.10 of DRMB CD 109. I acknowledge the exemption for trunk roads regarding the stopping sight distances in Annex B to Technical Advice Note 18, Transport (TAN 18) which are applicable to roads in built up areas where actual or design speeds are 60km/h or below. Nevertheless, the question here is would visibility at the access be sufficient to accommodate the proposed development safely?
11. The stopping site distance for 50 kph in Table A, Annex B of TAN 18 is identical to Table 2.10 of DRMB CD 109. At 20 mph Table B, Annex B of TAN 18, the stopping site distance for 20 mph is 45m. No matter what the DMRB may say, 20mph is the speed limit, visibility accords with Table 2.10 of DRMB CD 109 and well exceeds that deemed necessary in a 20 mph area. In these circumstances, insisting on a higher standard is unreasonable and unjustified. I conclude that the proposed development would not have an adverse impact on highway safety and complies with LDP Policy MV1.

#### **Other Matter**

12. The site is within the Chepstow Conservation Area. The adjoining property and those nearby are typical of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries but I agree with the Council that the design and scale of the proposed development would preserve the character and appearance of the Conservation Area.

### **Conditions**

13. I have considered the conditions suggested by the Council and NWD in light of the advice in Circular 16/14. Given my conclusion that the access is existing and, as single dwellings and field gates are defined as having direct equivalence within DMRB CD 123, I see no need to impose the conditions relating to gates, width of access and gradient suggested by WGNWD.
14. The Council has indicated it does not consider a condition requiring gigabit capable broadband infrastructure to be necessary but Policy 13 of Future Wales requires this for all new development. The Council suggest a condition requiring biodiversity enhancement to be provided as shown on submitted plans. I can see no such plans nor the maintenance schedule referred to in the committee report and Design and Access Statement. I have, therefore, imposed a condition requiring the submission of details.

### **Conclusion**

15. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

*A Thickett*

Inspector

## **SCHEDULE**

### **CAS-02706-T1R7H4**

The appeal allowed and planning permission is granted for a single dwelling and garage with associated external works including driveway, parking and garden provision at land off Land off Hardwick Cottage, Hardwick Hill, Chepstow, Monmouthshire, NP16 5DT, in accordance with the terms of the application, Ref DM/2022/00956, dated 28 June 2022, subject to the following conditions.

1. The development hereby permitted shall begin no later than five years from the date of this decision.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following plans: Proposed Block Plan; 205/120, Proposed LGF Plan; 205/124, Proposed GF Plan 205/123, Proposed FF Plan; 205/122, Proposed Roof Plan; 205/121, Proposed North Elevation; 205/131, Proposed East Elevation; 205/130, Proposed South Elevation; 205/133, Proposed West Elevation; 205/132.

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

3. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the [dwellings / buildings] hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.



## Appeal Decision

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

an Inspector appointed by the Welsh Ministers

Decision date: 19/12/2023

Appeal reference: CAS-02339-V3R7W8

Site address: Land opposite Rose Cottage, Llanbadoc, Usk, Monmouthshire, NP15 1PR

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- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeal is made by Mr I Lewis against an enforcement notice issued by Monmouthshire County Council.
  - The enforcement notice, numbered E20/104, was issued on 17 October 2022.
  - The breach of planning control as alleged in the notice is without planning permission, engineering works to raise ground levels and fill a ditch adjacent to public highway.
  - The requirements of the notice are to return the land edged red to its former condition and levels before the breach of planning control occurred as illustrated in Appendix A and Appendix B.
  - The period for compliance with the requirements is 3 months from the date the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.
  - A site visit was made on 7 December 2023.
- 

### Decision

1. The appeal is dismissed.

### Background

2. The appeal is made under ground (a) only, that being planning permission should be granted for the works subject to the Enforcement Notice.
3. The appeal site lies about half a mile to the west of Llanbadoc and comprises part of a field on the opposite side of a lane to Rose Cottage. The works to which the Notice relates is the filling in of a ditch or former roadway which ran parallel to the lane.
4. The field rises from the lane to the south. The ditch has been filled to follow the natural contours of the field and has been grassed over. To the west of the gate into the field and adjoining the lane, I saw a pile of vegetation. From the submitted photographs, this is presumably the remains of trees and shrubs cleared from the ditch before it was filled.

## **Main Issues**

5. The main issues are:

- whether raising ground levels and filling in the ditch has increased the risk of flooding,
- the impact of the works on the character and appearance of the area,
- the effect of the engineering operations on biodiversity.

## **Reasons**

### **Flooding**

6. I see no reason to doubt the ditch drained run off from the field away from the road. The road lies above the bottom of the field. At the time of my visit it was raining heavily. Water was puddling at the entrance to the field and I saw no evidence of run off from the field washing on to the highway at any point. Water was running from the west down the road along both edges of the carriageway but was not overflowing the road drains. However, my visit was one point in time and I note the Council's Senior Engineer's report that filling in the ditch has led to several impacts on flood risk.
7. The Council does not dispute the appellant's claim that he installed a 225mm twin wall plastic pipe in the bottom of the ditch which carries surface water from the road gully and land drains connected to it. However, I agree with the Council that in the absence of an assessment by a specialist chartered hydrogeologist detailing the impacts on, amongst other things, ground water levels, it is not possible to conclude that the works carried out by the appellant do not lead to an increased risk of flooding.
8. I note the appellant's offer to install a soak away at the entrance to the field but again, without any technical details and an assessment by a suitably qualified person, I cannot be certain this would be effective. Therefore, from the evidence before me, I cannot conclude that the works do not increase the risk of flooding and find that they conflict with Policy SD3 of the Monmouthshire County Council Local Development Plan 2011-2021, adopted 2014 (LDP).

### **Character and appearance**

9. As stated above, the filled area has grassed over to match the field and the levels follow the natural contours of the land. The loss of the trees shown on the submitted photographs is unfortunate but, subject to a condition requiring new planting, I do not consider the works to have a detrimental impact on the character and appearance of the area. I conclude, therefore, that, subject to the imposition of a condition, the works would comply with Policy LC5 of the LDP.

### **Biodiversity**

10. The field is likely to constitute improved grassland which tends not to be of high ecological value. The former roadway/ditch with its trees and shrubs is likely to have been a far better ecological resource. Having said that, I have neither seen nor read anything to suggest that a condition requiring the implementation of a biodiversity enhancement scheme could not restore the site to its former ecological value. I conclude, therefore, that, subject to the imposition of a condition, the works would comply with Policy S13 of the LDP.

## **Conclusion**

11. Notwithstanding my findings with regard to the impact of the works on the character and appearance of the area and biodiversity, for the reasons given above and having regard to all matters raised, I cannot conclude that filling in the ditch would not increase the risk of flooding and the appeal is dismissed.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives.

*A Thickett*

Inspector

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## Appeal Decisions

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by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 29/11/2023

Appeal references: CAS-02278-X7K9S1 & CAS-02495-H0J6W9

Site address: Land at Silver Circle Distillery, Pleasant View Barn, Ninewells Road, Catbrook, Trellech, Monmouthshire NP16 6UL

A site visit was made on 9 May 2023.

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- **Appeal A** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Harold Johns against the decision of Monmouthshire County Council.
  - The application Ref DM/2022/00048, dated 10 January 2022, was refused by notice dated 30 July 2022.
  - The development proposed is described as the “Retention of mixed use within existing building to accommodate a distillery, a bar and a tourist use (visitor experience), retention of change of use of land from agriculture to land to be used in association with the proposed use, retention of use of agricultural storage building for use as a bottling plant, and retention of hard surface areas for use as car parking’.
- 
- **Appeal B** is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeal is made by Nina Howden against an enforcement notice issued by Monmouthshire County Council.
  - The enforcement notice (“the Notice”), numbered E21/174 was issued on 21 December 2022.
  - The breach of planning control as alleged in the Notice is the unauthorised change of use of barn from agricultural use to industrial use (B2), unauthorised change of use of agricultural land to car park in association with unauthorised industrial use (B2).
  - The requirements of the Notice are:
    1. The industrial (B2) use of the larger barn (as highlighted in green in Appendix 1) shall cease.
    2. Cease the industrial (B2) use of all land outside of the buildings within the area edged in brown.
    3. The unauthorised hardstanding (as highlighted in blue in Appendix 1) shall be removed in its entirety, with all debris removed from the site, and the land restored to its former condition prior to the unauthorised works.
  - The period for compliance with the requirements is three months from the date the Notice takes effect.

- The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended.
- 

## Decisions

### **Appeal A:** CAS-02278-X7K9S1

1. The appeal is dismissed.

### **Appeal B:** CAS-02495-H0J6W9

2. The appeal is allowed in respect of ground (g) only, but otherwise dismissed. I direct that the Notice be varied by the deletion of the words 'three months' and their substitution with the words 'six months' from the date the Notice takes effect. Subject to this variation, the Notice is upheld.

## Costs Applications

3. Applications for costs have been made by the appellants against Monmouthshire County Council. These applications are the subject of separate decisions.

## Procedural and Preliminary Matters

4. The description of development shown on the planning application form is '*Retention of mixed use.....*' Given that the development the subject of **Appeal A** has commenced, I have dealt with that appeal as one that seeks planning permission under s73A(2)(a) of the Act.
5. There are two barns within the appeal site. I will refer to the larger barn on the western part of the site as 'Barn 1' and the smaller barn to the east as 'Barn 2'. At the time of my site visit, Barn 1 was in use as a bottling plant and storage / labelling / packaging area in association with the distillery business, albeit the layout is not exactly that shown on the submitted drawings. The submitted drawings show Barn 2 as a 'Multi-purpose space including production, shop, bar, office and storage' together with the proposed layout of the external space. This would consist of a large area of hardstanding on the northern part of the site and the vehicular access leading to a visitor parking area to the west of Barn 1 and a staff parking area to the north of Barn 2, together with a seating area in the space between the barns and on the southernmost part of the site.
6. The Notice (**Appeal B**) attacks only Barn 1 and the area of hardstanding around this barn, whereas the development the subject of the planning application (**Appeal A**) relates to the use of both barns and the land, and the hardstanding for car parking. It is in this context that I have considered the appeals.
7. By letter dated 11 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) with immediate effect. The main policy change which is of relevance here relates to the net benefit for biodiversity. However, since the implications of the changes to PPW do not affect the outcome of the appeals, I have not sought to canvas the views of the parties.

## Background

8. Planning permission was granted in 2019 for the change of use of the existing agricultural building (Barn 2) to a micro distillery for the production of gin and other spirits. As I understand it, the only external change involved the construction of a lean-to extension to the southern side of the building to provide toilet facilities and storeroom. Informal parking was to be provided within the site for approximately 4 cars with an estimation that around

5 vehicles per day would visit the premises during peak times. Deliveries were expected to be around 1-2 times per week in a transit sized van.

9. A subsequent application for the discharge of Condition 7 in relation to foul drainage was approved under Ref. DM/2019/00558, which agreed the installation of a 2800 litre capacity septic tank. An application to vary the condition controlling the opening hours of the distillery was approved under Ref. DM/2019/01696, amending the opening hours to 08:00-21:00 daily.

### **The s78 Appeal (Appeal A)**

10. Against the background that I have described, the main issues are:
  - The effect of the development on the character and appearance of the area, with particular regard to the Wye Valley Area of Outstanding Natural Beauty (AONB);
  - Whether the site represents a sustainable location;
  - The effect of the development on the living conditions of neighbours;
  - Whether the development can be served by adequate off-street parking provision and the effect on highway safety;
  - Whether the site can be adequately drained; and
  - The effect on ecology.

#### *Character and appearance*

11. The appeal site lies on the outskirts of the village of Catbrook and within the Wye Valley Area of Outstanding Natural Beauty (AONB). The site is bounded by a hedgerow to its front boundary, a tree lined boundary with the residential property to the west, post and wire fencing to the east and an open aspect to the fields beyond the southern boundary. The immediate surroundings are characterised by low density detached dwellings in spacious plots on the periphery of the village and in a predominantly rural landscape.
12. The existing buildings have a functional, agricultural form and appearance; they are clad with metal profile sheet coloured green, have minimal openings and large roller shutter doors on their main elevations. Vehicular access is gained from the single track, country road via metal, five bar field gates.
13. The Council's concerns relate to the installation of an acoustic fence, the siting of portable toilets during events and the potential effects of a lack of sufficient car parking spaces to meet the demands of the development resulting in either off-site parking on the highway verges or overspill parking in the adjacent field.
14. I acknowledge that the approved change of use of Barn 2 to a gin distillery already alters the character of the area somewhat. The Council does not suggest that this permission has not been implemented, and I must therefore take into account that the site legitimately operates as a small-scale business from Barn 2. In this context, I do not consider that the intensification of the use by way of its extension into the second, larger barn would have any materially greater impact on the character of the area.
15. Be that as it may, the effect of the intensification of the use and the introduction of events is that there is a realistic proposition of the need for an overspill parking area and/or the siting of portable toilets on what could be a regular basis. To safeguard the living conditions of nearby residents the appellant's Noise Impact Assessment recommends the erection of a 2m high acoustic fence along the northern (front) and western (side) boundaries. Such a means of enclosure would dominate the site frontage, appearing alien in its surroundings. The need for overspill parking in an adjacent field and / or the introduction of portable toilets would add to the visual harm and would fail to conserve this part of the AONB which is otherwise a quiet hamlet set in a pleasant rural

landscape. The development therefore adversely affects the character and appearance of its surroundings, in conflict with Policies S10, S17, EP1, DES1 and LC4 of the adopted Monmouthshire Local Development Plan (LDP) 2014.

16. The Council suggests a landscaping scheme may overcome the visual harm of the development. I do not know whether it would be possible to plant forward of the acoustic fencing since such details do not form part of the submissions before me. Further, a planting scheme capable of screening the site could have a significant impact on the landscape. I cannot therefore be satisfied that the adverse effects of the development in this regard could be satisfactorily mitigated by the imposition of a condition.

#### *Sustainability of location*

17. Policy S11 supports proposals that provide and /or enhance sustainable forms of tourism, subject to detailed planning considerations. Such considerations include the need for all new development to promote and secure sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision, as outlined in Policies S16 and MV2.
18. Much of Catbrook has no segregated provision for pedestrians and cyclists and visitors would have no alternative but to walk or cycle along narrow rural lanes and classified roads subject to the national speed limit. Neither is Catbrook accessible by public transport, the nearest bus stops being around a 50 minute walk from the site. The appellant's evidence shows customers arriving by private car, taxi or minibus. Whilst the principle of the use of the site as a micro distillery has already been established, its limited capacity under the extant permission means that it is unlikely to attract similar staff and visitor numbers as the scheme the subject of the appeal.
19. The development would inevitably be reliant on staff and visitors getting to and from the site by private car, for the most part. The site is not in a sustainable location, accessible by public transport or other alternative means. As the site's location does not have adequate sustainable travel links, it does not meet the requirements of LDP policies S11, S16 and MV2.
20. I accept that PPW recognises that certain diversification proposals will only be accessible by car, albeit every effort should be made to locate diversification proposals so they are well-served by public transport. The contribution that the development makes to rural diversification and tourism does not outweigh the unsustainable location of the site and the lack of alternative modes of transport available to serve the much more intensive use of the site in this particular case.

#### *Living conditions*

21. There is much disagreement between the parties regarding visitor numbers and the means of getting to and from the site together with the nature and frequency of delivery vehicles.
22. The appellant's figures for December 2021 – March 2022 show relatively low visitor numbers, but the survey was conducted over a limited period and at a time when Covid restrictions were in place. The appellant asserts that visitor numbers for the summer months of July and August 2021 were provided, but have been largely ignored. From my reading of the evidence, it would seem that these figures were derived from estimations based on the number of tours and gin school bookings together with sales in the distillery shop. I am not persuaded that rudimentary calculations, such as an assumption that 1no. bottle of gin sold equated to 2no. visitors in one car or that 4no. cocktails suggested 4no. visitors, can be relied upon as accurate, particularly when the appellant's own evidence shows that the highest number of visitors in a single day is

35no. (outside an organised event). That is quite a difference from the suggested average of between 3.1 and 7.7 visitors per day.

23. I have also had regard to the visitor numbers in respect of the street food events, which are recorded as 178no. visitors at the event of 14 August 2021 and 231no. visitors at the event of 10 July 2021, with the appellant stating that both events were spread out over the day with no more than 50 people attending at any one time.
24. I acknowledge that visitors will come and go at different times and this may limit the noise generated at any one time. However, there is nothing before me to suggest an enforceable mechanism whereby the number of visitors on site at any time could be limited.
25. A noise monitoring survey was undertaken between 9 and 14 December 2021. The assessment concludes that the development's plant operations do not exceed background sound levels in the area. However, it identifies a minor/moderate relative change in ambient sound levels at the identified receptor locations due to typical activities at the site, including visitors and car parking. The assessment of noise from the outdoor seating area identifies a negligible change to the ambient sound levels during small outdoor seating events. During larger events, the assessment identifies moderate change to the ambient sound levels at one noise sensitive receptor and a minor change at the others. The predicted levels remain below the BS8233 criteria of 50 dB(A) for external amenity areas.
26. The assessment concludes that noise from typical operations at the distillery can be heard at the closest receptors but would not substantially change the ambient noise levels in the area subject to the installation of acoustic fencing along the northern and western boundaries of the site. It further advises that best practice should be used to minimise patron noise from the outdoor seating area (with that area limited to the south of the barns for 'normal' events with a reduced number of people) and making visitors aware of the noise-sensitivity of the area by encouraging quiet behaviour on site.
27. I cannot say with certainty whether the noise survey period typically represents the noise generating activities across the site. Whilst I acknowledge an acoustic fence may minimise the noise impact, I have already concluded such a feature would have an adverse impact on the AONB.
28. Without an acoustic fence, I consider that impulse noise associated with the use, such as raised voices, music, the slamming of car doors or the start up of car engines with visitors arriving or leaving the site would result in a level of disturbance over and above that which the neighbouring residents should reasonably expect to enjoy.
29. Additionally, to my mind a development which must rely, in part, on the operator having to request that visitors leave the premises quietly, is tantamount to a recognition that the use would have an unacceptable impact on the living conditions of existing residents, particularly at times when they should have a reasonable expectation of a quiet environment.
30. Hence, I find that the development is likely to result in a significant increase in visitor numbers, resulting in noise disturbance and a harmful impact on the living conditions of the residents in the immediate vicinity of the site. It therefore conflicts with LDP Policies S10, S17, RE2, RE6, EP1 and DES1 in this regard.

#### *Highway safety*

31. The highway network in the vicinity of the site is made up of country roads and rural lanes, with a single lane carriageway forming this part of Ninewells Road. There is an existing field gate providing vehicular access to the site.

32. The Council disputes the findings of the appellant's Transport Statement that passing opportunities are available along the carriageway, pointing out that the carriageway is a narrow single track bounded by hedges with soft verges unsuitable for vehicles. Further there are no hard surface passing places other than field and property entrances. In addition, the assertion that traffic speed and volume along Ninewells Road are low are unreliable, given that they rely on observations rather than records of actual traffic speed or volume data. Ninewells Road is subject to the national speed limit.
33. The photographs provided by interested parties show vehicles at a particular point in time and cannot be relied upon to show vehicle movements or typical manoeuvres and/or parking arrangements. I have seen a third party website stating that coach parking is available at the site but have no reason to doubt the appellant's assertion that the largest vehicle that has been used to bring customers to and from the site is a mini-bus. I have insufficient information to identify the exact number and nature of the vehicle movements. However, as stated above, visitor numbers have been recorded between 178 to 231 people with around 50 to 60 people attending events at any one time. That volume of visitors coming and going would inevitably lead to difficulties and conflict along narrow lanes with no official passing places.
34. I am also concerned that customers accessing the development on foot or by bicycle would be forced to walk or cycle in the carriageway, along a single-track road where there is a realistic prospect of the traffic travelling at national speed limit and drivers having to perform reversing manoeuvres (this includes delivery vehicles and HGVs). Thus, I am not convinced that it is a safe environment for pedestrians or cyclists.
35. There is also disagreement between the parties regarding the size and frequency of delivery vehicles. Nevertheless, the Transport Statement provides a Swept Path Analysis of a 10.0m rigid vehicle, which concludes that adequate space is available for a vehicle of this size to safely enter and exit the site in a forward gear. Although I note the concerns of interested parties that the SPA suggests a tarmacked surface for the width of the carriageway when, in fact, there are verges to either side, the Council has not taken issue with this element of the scheme.
36. It would appear that the area of land adjacent to Barn 2, over which delivery vehicles would travel in order to leave the site in a forward gear, also functions as the operational parking area. Thus, I am not satisfied that there would be adequate space for delivery vehicles to turn within the site in the event that the operational parking is in use.
37. Turning to parking, the submitted evidence suggests that there would be a maximum of 60 guests on site at any one time. To accommodate this, overspill parking would be provided in the adjacent fields. For events, it has been assumed that vehicular occupation would be a minimum of two people per vehicle; for 60 guests on site approximately 30 cars would therefore need to be accommodated on site and within the designated overspill areas.
38. I am not certain on what basis assumptions have been made regarding the number of visitors at each event or the number of persons per vehicle. Neither is there any mechanism before me for limiting the number of visitors, securing the 'overspill' parking area or ensuring that all 10 spaces within the site are available for visitor parking rather than being used for operational parking or servicing. Consequently, I cannot be certain that the single width carriageway to the front of the site would not be used as indiscriminate parking by visitors which, in turn, would compromise highway and pedestrian safety. For these reasons, I do not consider a condition requiring an Event Management Plan could overcome these issues.

39. Moreover, a Delivery Management Plan could be secured by condition but I share the Council's concern that this would not address the limitations of the local highway network or the site's constraints.
40. In light of the above, I find that the development has an unacceptable impact on highway and pedestrian safety, in conflict with LDP Policies S10, S16 and MV1.

#### *Drainage*

##### *Foul*

41. Welsh Government Circular 008/2018 '*Planning requirements in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants*' ("the Circular") states that the first presumption must always be to provide a system of foul drainage discharging into a public sewer (my emphasis). If it can be shown that connection to a public sewer is not feasible, a private sewage treatment system consisting of package treatment plant can be considered. Only if it can be demonstrated that connection to the sewer, or the use of a private package treatment plant is not feasible, should a septic tank system be considered.
42. The installation of a septic tank was approved for the change of use of Barn 2 to a micro distillery. A septic tank was accepted on the basis that the distillery was a small business with only two people working there on a day-to-day basis, and a few occasional visitors. I understand that the installed septic tank has a capacity of 4-5 people per day, and is intended for a 5 person household.
43. Taking the above factors into account, I acknowledge it is possible that the existing septic tank would be sufficient for day-to-day staff use. However, with visitor numbers in dispute and without a mechanism for limiting such numbers in any event, I cannot be certain what the actual flows and loads are. Neither do I know whether the appellant has considered the hierarchy referred to in the Circular, so as to establish whether a connection to the mains or, if not, a private sewage treatment would be feasible in this instance.
44. Notwithstanding the above, it is accepted that event days significantly exceed the capacity of the septic tank. Although it is proposed that portable toilets could be used, I have not been provided with a full assessment, including the details of the number of portable toilets required, to meet demand beyond the capacity of the septic tank. In other words, I am not satisfied by the submitted evidence that reliance on such means would not lead to environmental, amenity or public health problems.
45. I afford very little weight to the appellant's statement that '*Visitors to the distillery usually spend less than an hour on site and in our experience are not likely to use the toilet*'. That can neither be guaranteed or enforced, and I cannot envisage a situation where a tourist business which offers refreshments, forbids customers from washing their hands and/or using a WC.
46. The septic tank was intended to serve a much more modest development than that the subject of Appeal A. It therefore follows that it has not been demonstrated that the development is served by satisfactory on-site services for sewage disposal. In this regard, it would conflict with the Circular and LDP Policy EP1.

##### *Surface water and flooding*

47. The Council acknowledges that as the total construction area appears to be above 100m.sq, SAB approval is required. Surface water drainage is a separate consent regime and, therefore, and I see no reason to duplicate controls under that legislation.

*Ecology*

48. Policy 9 of Future Wales requires a net enhancement for biodiversity for all new development.
49. The ecological assessments which accompanied the previous application cannot be relied on in respect of the need to secure biodiversity enhancement for the scheme that is before me. The need for properly considered ecological enhancement, which is proportionate to the development the subject of Appeal A, would be necessary to comply with FW Policy 9 and the duties imposed by section 6 of the Environment (Wales) Act 2016 and the national planning policy requirements of PPW, noting the update to Chapter 6 of PPW which further reinforces this position.
50. In the absence of such proposals, I must conclude that the development conflicts with Future Wales and the requirements of the Act and PPW in this regard.

*Other Matters*

51. The appellant contends that the development constitutes a sustainable development of a rare brownfield site in a location that is in accordance with the statutory development plan and will make an important contribution towards the rural economy. Even if I were to consider this site to be brownfield, the development fails to meet the sustainability objectives outlined in local and national planning policy for the reasons I have already given. This matter does not therefore outweigh the harms I have identified in the balance of acceptability.

**Appeal B: The ground (f) appeal**

52. An appeal on ground (f) is that the steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections.
53. The argument advanced in support of the ground (f) appeal is that a s78 appeal has been made against the refusal of planning permission and, as such, the steps required to comply with the requirements of the notice are considered excessive and would have irreversible financial and operational implications. However, the scope of ground (f) is limited given that there is no ground (a) appeal before me seeking retrospective permission for the use or development.
54. I have concluded that the S78 appeal be dismissed and there are no other suggestions before me of realistic or suitable lesser steps that would address the fundamental concerns in respect of the development that has been carried out and which is the subject of the Notice. In my view, the requirements are entirely appropriate to achieve the objectives of protecting the character and appearance of the area, the living conditions of neighbours, highway safety, drainage and ecology.
55. Thus, the requirements of the Notice are not excessive and there are no lesser steps put forward by the appellant that would remedy the breach of planning control that has been caused. The appeal on ground (f) must therefore fail.

**Appeal B: The ground (g) appeal**

56. The appeal on ground (g) is made on the basis that the 3 month period for compliance with the Notice is too short in view of the resultant severe financial burden on the business. Accordingly, a period of 12 months to continue trading and a further 3 months to comply with the Notice is sought.
57. I have had regard to the appellant's contention that the works required to revert to the approved use would require the transfer of the enterprise to new venues, arrangement of



finances and scheduling, and recalibrating the business model whilst fulfilling existing commitments and remaining operational in the current uncertain economic times.

58. The Council states that the time given to comply with the Notice is not insufficient, arguing that it is in line with the normal period allowed for compliance with an enforcement notice and is more than sufficient to remedy the breach.
59. To extend the period of compliance would prolong the harm I have identified. However, I have also had regard to the difficulties associated with finding alternative premises, re-establishing the business and meeting its existing commitments together with the removal from the site of the material forming the hardstanding. An extended compliance period would increase the likelihood of another suitable site being found, thereby assisting in keeping the business operational. That being said, and whilst I find the 15 month period sought by the appellant to be too long a compliance period during which the unauthorised use would subsist, I consider that 6 months strikes the right balance between remedying the breach of planning control as soon as is reasonably possible and acknowledging the difficulties that the appellant is likely to encounter. I shall vary the Notice accordingly.

### **Conclusion**

60. In conclusion, Appeal A is dismissed. The appeal on ground (g) succeeds as I find the compliance period too short, and I am therefore varying the Notice accordingly prior to upholding it.
61. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that these decisions are in accordance with the Act's sustainable development principle through the contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

*Melissa Hall*

INSPECTOR

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## Costs Decisions

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by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 29/11/2023

Costs applications in relation to Appeal Refs: CAS-02278-X7K9S1 & CAS-02495-H0J6W9

Site address: Land at Silver Circle Distillery, Pleasant View Barn, Ninewells Road, Catbrook, Trellech, Monmouthshire NP16 6UL

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### Decisions

1. The applications for awards of costs are refused.

### Procedural Matters

2. Two awards of costs are sought by the applicants; the first is in relation to the s78 appeal and the second in relation to the Enforcement Notice appeal. The applications will be considered on their individual merits. Nevertheless, to avoid duplication I have dealt with the two together, except where otherwise indicated.

### Reasons

3. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process (my emphasis).
4. I appreciate the frustrations regarding delays during the processing of the application, the difficulty experienced engaging with the Council and the perceived lack of transparency. However, none of these matters specifically resulted in the appeals coming into being or the applicant incurring any additional expense in submitting the appeals than he would otherwise have done.
5. Whilst it is claimed that the Council failed to demonstrate how it considered the evidence submitted by the applicant, I am satisfied that, overall, it met its obligations to give proper consideration to the planning application, having regard to the development plan, national planning policy and other material considerations. That is, the Council was perfectly entitled to take a different view in terms of the weight to be given to the matters before it in determining the application. That the Council did not give the applicant an opportunity to respond to the fundamental highway safety concern is not a failing in my view if it considered that such concerns could not be overcome and thus provided little justification for further delaying the determination of the application.
6. I do not doubt that the protracted planning and enforcement issues have resulted in fewer customers, cancelled bookings and loss of income. Nevertheless, the costs regime is not intended to compensate for such matters which, in any event, have only come about as a result of unauthorised activity on the site. Rather, it is to deal with unreasonable

behaviour resulting in unnecessary or wasted expense in the appeal process, which is not the case here.

7. I also understand that work was undertaken in relation to the first Notice served, only for it to be withdrawn and a second Notice served. I accept that the Council withdrew the first Notice on PEDW's advice regarding its incorrect drafting. However, it seems to me that any work undertaken in respect of the first Notice would not have been abortive given that the second Notice related to the same development.
8. For the reasons given, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Section 12 Annex, has been demonstrated.

*Melissa Hall*

INSPECTOR