

Application Number: DM/2021/01695

Proposal: The creation of one traveller pitch incorporating a static caravan, touring caravan, conversion of existing stable block to a day/utility room

Address: Land Adjacent 1 Rogiet Pool Minnett's Lane, Rogiet, Monmouthshire

Applicant: Mr. & Mrs. Tom Connors

Plans: Block Plan 02A - , Site Plan 03G - , Floor Plans - Existing 04A - Stable Block, Elevations - Existing 05A - Stable Block, Floor Plans - Proposed 06A - Day Room, Elevations - Proposed 07B - Day Room, Location Plan 01A - , Other - DESKTOP ECOLOGY SURVEY, Other - PLANNING STATEMENT AND, Other 11 B - Site Access Plan, Other 12 - Soakaway Details, Other 13 - Make up of Gravel Areas,

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Valid: 21.10.2021

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

1.0 APPLICATION DETAILS

1.1 Site Description

The site which measures approximately 0.18ha is located on the northern side of the B4245 in Rogiet, just outside the settlement boundary. To the north of the site is the M48 motorway and its embankment forms part of the boundary of the site. To the west of the site are the residential properties of Rogiet Pool and to the east is Minnett's Lane with a small paddock beyond. There is an existing vehicular access from Minnett's Lane and the site is surrounded by a close boarded and panel timber fencing. There is some hedge planting to the front of the site. In April 2021 planning permission was granted for a replacement stable block on the site, these stables have now been built.

The site is within an archaeologically sensitive area, a minerals (limestone) safeguarding area and an area of amenity importance.

1.2 Value Added

The alignment of the access has been altered at the request of the Highway Authority. The new stable block has been removed from the proposed scheme.

1.3 Proposal Description

The application seeks the use of the site as traveller pitch for one family and would include:

A static caravan to be sited in the southern area of the application site with space for a touring caravan adjacent. The conversion of the recently completed stable block to the north into a day/utility room with a gross internal area of 38.5m². The existing vehicular access off Minnett's Lane will be retained and realigned. This will lead to a hardcore surface parking and turning area. The north western portion of the site will be retained as a paddock. The timber fence and planting area will be retained along the southern boundary of the site. A new close boarded fence will be erected along the western boundary with a hedge planted in front of it. A new hedge will be planted inside of the site.

Surface water from the caravan, day/utility room and the stable block will drain to soakaways and foul water from both the caravan and day/utility room will be drained to the public foul sewer system. There is a connection point available via the manhole in the triangular area of land adjacent to the southern boundary.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01246	Construction of 2 no. three bed detached dwellings with on-site parking		
DM/2020/00026	Construction of a stable block and tack room on site of former stables	Approved	29.04.2020
DC/2017/00753	Retention of existing 2m high feather edged timber boundary fence facing Minnett's Lane	Approved	17.08.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S2 LDP Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design
S15 LDP Minerals

Development Management Policies

H8 LDP Gypsy, Traveller and Travelling Showpeople Sites
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC6 LDP Green Wedges
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
M2 LDP Minerals Safeguarding Areas

Supplementary Planning Guidance

Monmouthshire Parking Standards (January 2013)

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

National Planning Policies

Gypsy and Travellers Circular 005/2018 published in June 2018
The Gypsy and Traveller Accommodation Assessment
Designing Gypsy and Traveller Sites Welsh Government May 2015

<https://gov.wales/sites/default/files/publications/2019-03/designing-gypsy-and-traveller-sites.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Rogiet Community Council (20/05/22) - Object (awaiting updated comments, may come as late correspondence)

Lack of clarity about the applicant's ultimate objectives and signs of incremental / parallel development initiatives.

Impact on the Green Wedge. Is the application compliant with MCC Policy LC6?

Inconsistent with previous planning policy and history

Road safety

Land is unsuitable for development

The site and the adjacent road flood

Green Infrastructure Status and impact on the Area of Amenity Importance

Noise from generators for electricity (if the site is not connected to mains supply).

Responsibility for waste when occupants leave the site.

MCC Ecology – No objection

The site has been previously used for grazing by horses and so there are no objections, however, recommend conditions to secure:

Control over external lighting, Securing the implementation of the proposed enhancements,

Construction Method Statement referencing the protection of ecology on site.

MCC Highways - No objection

Lead Local Flood Authority and SuDS Approval Body – No objection

Glamorgan Gwent Archaeological Trust (GGAT) - No objection.

Welsh Government Transport - No objection.

MCC GI and Landscape - No objection subject to conditions.

MCC Public Rights of Way - No objection.

MCC Housing Officer - The Connors households are not included in the new GTAA because they became known after it was finished.

MCC Planning Policy - The policy framework against which the proposal should be assessed is primarily set out in the Adopted Monmouthshire Local Development Plan, PPW 11 and WG Circular 005/2018 - Planning for Gypsy, Traveller and Showpeople Sites.

Dwr Cymru-Welsh Water - No objection

Request conditions to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

5.2 Neighbour Notification

Letters from 10 addresses following re-consultation on the 13th May 2022 (as of 13/06/22).

Original objection still stands

No dwelling should be built on this site, it should remain as pasture

Detrimental impact on the village

Reiterate original comments

Rogiet needs to build facilities for older children

The parcel of land has never been allocated in the UDP or LDP.

Land is on the Green Wedge

Generators will be used as there is no electricity supply

Waste from the land will create an unpleasant smell for anyone nearby

The vast majority of the work within the amendment has already been done

Letters of objection were received from 81 addresses on the original submission

Outside the Development Boundary

Allocated as a Green Wedge

The stables should not have been given permission to be built of blockwork

The site is too small

Exacerbate existing flooding problems at Buzzard Court

Loss of privacy

Smell pollution from 'dung heap'

Increase in traffic and congestion at the junction

Inadequate parking

No domestic services on the plot

Over development

Access is not suitable, and the fence restricts visibility

This is incremental development of a grazing and stable plot

May affect the water supply to other properties

Depreciation of property values

Previous applications on the site have been refused

Adverse visual Impact Animal Welfare

The site should be used to house local people

Site is prone to flooding

Rubbish and scrap may build up in the site

Loss of green fields

May lead to contamination of the land and attract vermin

Will undermine the area and serious impact on the local community and impact on the attractiveness of the area

Site not included in the emerging Local Development Plan of 2024

Generators will cause noise pollution

The area is part of natural reserve and Gwent Wildlife Trust

Overlooking or loss of privacy, loss of light or overshadowing, visual amenity, design, appearance and materials, landscaping, noise, smells and storage of hazardous materials.

Impact on the environment

A traffic assessment is needed of the local roads as they are heavily used by agricultural and commercial vehicles

May set a precedent for other traveller sites

Should use existing sites in Newport that have been provided at the expense of the tax payer

The Applicant's supporting statement is misleading and factually incorrect

Adverse impact on the landscape contrary to policy LC1 of the LDP

Adverse impact on ecology especially from additional lighting

Out of keeping with the character of the area

Proof is required that the applicants are gypsies

The applicant claims that this application would assist the council in fulfilling this need; however, this need has been identified by conducting GTAA with those already living within Monmouthshire

As part of this assessment, the council were not made aware of any additional households who wanted or needed to live in Monmouthshire by other Welsh authorities

Public services are decreased and are insufficient for local needs

An application for a traveller site in Rogiet was rejected decades ago

The access is not suitable for large vehicles

Close to a pedestrian crossing

Inadequate parking within the site

No site notices posted

MCC Planning & Policy H8 -Traveller Sites, require MCC to have established Travelling

Community needs, and, importantly, to proactively identify suitable sites. Thus negating the need for ad hoc applications of this nature

Similar proposals elsewhere in the county have been refused

No dimensions on the drawings

Not all residents in Rogiet were notified by letter

A shop would be more beneficial to the local community

Inadequate Drainage.

5.3 Other Representations

None received

5.4 Local Member Representations

Councillor Strong

As County Councillor for Rogiet, I wish to register my objection on the grounds that the revised plans fail to fundamentally address the issues which led to the failure of the previous planning application for the site to gain approval.

In particular:

The enclosed nature of the site represents an incursion into the green wedge between Rogiet Pool and neighbouring settlements. I note that development on this site has not featured in past or present Local Development Plans.

The stockade style appearance of the site creates an unacceptably adverse visual effect in contravention of Policy DES2.

Even with a reduction in its height, the fencing is inappropriate to a rural setting. Indeed, reduction in height creates even greater visual detriment in that it exposes the presence of various structures (stables, caravans) within the site.

The applicant's ultimate aims appear to go well beyond the current application. The submission of a parallel proposal for a small housing development on the site indicates that the current application is an attempt to incrementally alter the nature of the site in order to undermine existing protections so that a fundamental change of use from 'paddock' to housing can gain planning approval.

Overall, the revised plans fail to alter the earlier judgement that the development is in contravention of Planning Policy Wales S17 in that it does not meet the requirement to create a high quality attractive place featuring high quality design which respects local distinctiveness.

I note the continue objection of residents of Rogiet Pool to the development. I also note the continued objection of Rogiet Community Council, following its own detailed analysis.

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

By way of general background, a survey in March 2009 from the Equality and Human Rights Commission (EHRC) highlighted the urgent need to provide lasting solutions to the under-provision of Gypsy and Traveller accommodation under-provision. It notes that the majority of the 300,000 Gypsies and Travellers in the UK are conventionally housed; a further 17,900 caravans are recorded in England and Wales but about a quarter are not on authorised sites. Previously, local authorities had a duty to provide sites for Gypsies and Travellers, but this was repealed in 1994, a situation which apparently led to a rise in unauthorised encampments. The requirements of the Housing Act 2014 and (in Wales) a Circular 005/18 Gypsy and Travellers, requires LPAs to undertake an initial assessment of needs followed by the selection of sites if that is required. The planning system is largely land-use based, but the consideration of Gypsy caravan sites requires a wider perspective to be taken - an approach reflected in appeal decisions and case law which has identified the need to maintain the lifestyle of a section of the community as a factor in decision making, along with the right to a proper education. The courts have held that a balancing exercise must be undertaken weighing the harm arising to the public interest against the rights and personal circumstances of the appellants, with the availability of accommodation provision also being a material consideration.

Circular 005/2018 Planning for Gypsy, Traveller and Show people Sites

Circular 005/2018 Planning for Gypsy, Traveller and Show people Sites provides updated guidance on the planning aspects of identifying sustainable sites for Gypsies and Travellers. It also outlines how planning authorities and Gypsies and Travellers can work together to achieve this aim. The Welsh Government seeks to ensure a wide choice of accommodation is available to meet the needs of all members of the community. It is reflective of the Government's commitment to ensure equality of opportunity for all sections of the community and in this instance, Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community. Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage. Delivering more Gypsy and Traveller sites, whether public or private, is an issue for local authorities to address, as they have to find local solutions for local needs. The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. Local authorities are required to exercise their powers under section 56 of the Mobile Homes (Wales) Act 2013, as far as necessary, to ensure Gypsy and Traveller sites are provided for the unmet need. In order to be able to properly assess the accommodation needs of Gypsies and Travellers, section 101 of the Housing (Wales) Act 2014 introduces a requirement for local authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.

Determining Planning Applications for Gypsy and Traveller Sites

Paragraphs 58 - 69 of Circular 005/2018 identify what criteria local planning authorities (LPAs) should address when determining applications for gypsy sites.

Determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. Other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites which is evidenced as part of the Gypsy and Traveller Accommodation Assessment for the area. Personal permissions may be suitable in certain circumstances and may be conditioned as such. In considering specific provisions for sites, regard should be had to the Welsh Government's guidance documents on Gypsies and Travellers - in particular, the Designing Gypsy and Traveller Sites in Wales document when considering site size, layout and facilities. Permission to develop Gypsy and Travellers sites outside of settlement boundaries could be granted subject to sustainability criteria set out in national planning policy if there are no realistic, suitable sites available within or adjacent to settlement boundaries to accommodate Gypsies and Travellers. Planning authorities should not refuse applications because the applicant has no local connection.

In identifying sites for Gypsy and Traveller caravans, the Circular advises local planning authorities to consider locations in or near existing settlement with access to local services such as schools, health services and shops (para 36). The Circular identifies the issue of site sustainability as being important for the health and well-being of Gypsies and Travellers in terms of environmental issues

and for the maintenance /support of family and social networks. It advises that this should be considered not only in terms of transport mode, pedestrian access, safety and distances from services, but that consideration should also be given to a range of other issues, including:

- Promotion of peaceful and integrated co-existence between the site and the local community;
- Wider benefits of easier access to GP and health services;
- Access to utilities;
- Children attending school on a regular basis;

The Circular provides further advice in relation to rural sites which is applicable to the proposed application. It advises that rural settings may be acceptable in principle subject to planning or other constraints where there is a lack of suitable sustainable locations within or adjacent to existing settlements. In assessing the suitability of rural sites it advises LPAs to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services' (para 39).

While it does not advise the over rigid application of national and local policies that seek a reduction in car borne travel given that they could be used to effectively block proposals for gypsy/traveller sites in a rural location, site sustainability is a factor which should be taken into account.

Paragraph 40 of the Circular sets out other considerations, in addition to the development plan, which may be taken into account in the determination of planning applications for Gypsy/Traveller sites. These include 'the impact on the surrounding area, existing level of provision and need for sites in the area, availability of alternative accommodation for the applicants and their specific requirements'.

In this particular case, the applicant and his family are accepted as being gypsies, they have brought a plot of land in a sustainable location which is adjacent to an existing settlement. They wish to develop and manage this site themselves. At present the applicant, his wife and children are living in a very overcrowded pitch on the Shirenewton Gypsy site in Cardiff, which they share with the applicant's mother and three sisters. The applicant works in Caldicot and Chepstow and chose Rogiet as it is close to his employment. The applicant has acquired this site as he wants to move closer to his place of work and so that his children can attend school locally, Rogiet having a primary school close to this site.

Evidence of Need

Paragraph 114.2.35 of Planning Policy Wales states that "Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need. Where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies an unmet need, a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met. "The Approved Gypsy & Traveller Accommodation Assessment (GTAA) was agreed in May 2016 and covers the 5-year period 2016 - 2021 (the applicants for this site in Rogiet were not included in this GTAA as they were not resident in the county at that time). This concluded that Monmouthshire had an estimated unmet need for eight permanent residential pitches to 2021. An updated Gypsy & Travellers Accommodation Assessment to cover the Plan period 2018 - 2033 of the emerging Replacement Local Development Plan (RLDP) has been prepared and submitted to Welsh Government for approval. This identifies a need for nine residential pitches between the period 2020 - 2025 and a further four pitches for the remaining Plan period of 2026 - 2033, giving a total need of 13 pitches for the Plan period. A response from Welsh Government on the updated GTAA has not been received to date. The adopted LDP does not provide specific site allocations for gypsy and travellers and whilst the RLDP will identify sites to address the need identified in the updated GTAA, the Plan has not reached this stage in the plan preparation process. As such, there are no alternative sites identified in the development plan.

The main issue of this current application is whether the personal circumstances of the applicants are such that they outweigh general planning policy and to assess why the provision of a pitches is required on this specific site.

The site is required for a gypsy traveller his wife and their four children, all of which are of school age. The applicants have previously resided on council gypsy sites in Cardiff and Bristol. The family needed a safe and settled place to live closer to the applicant's place of work, in a sustainable location with access to public transport, health and education facilities.

The applicant has carried out a search of other sites in the county and in the adjoining Newport and Cardiff area but neither public nor private sites were available and are unlikely to be available in the immediate future.

6.2 Sustainability

The site is located on the northern side of the village of Rogiet, just outside the settlement boundary. There is a general store, garage and primary school in the village all of which are within easy walking distance from the proposed site. There is a public bus service through the village which links it to the settlements of Caldicot, Chepstow and Newport. The site is also easily accessible to Severn Tunnel junction railway station. The proposed site occupies a very sustainable location with good access to services, facilities and public transport. In this respect, the site is considered to be a sustainable location consistent with the requirements of Circular 005/2018.

6.3 Development Plan Policy

Policy H8 of the LDP provided a framework against which proposals for Gypsy, Traveller and Travelling Showpeople sites will be assessed.

"Policy H8 - Gypsy, Traveller and Travelling Showpeople Sites

Where a need is identified for transit or permanent pitches/ plots for the accommodation needs of Gypsies, Travellers and Travelling Showpeople, they will be permitted provided they:

- a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle;
- b) Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems;
- c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, a play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the site curtilage;
- d) Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping;
- e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions;
- f) Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses;
- g) Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.

Proposals for the use of land for emergency pitches to meet proven need for use by Gypsies and Travellers will provide basic facilities, meet criteria b, d, e and f of this policy, and the location should be within reasonable travelling distance of a settlement with services and community facilities, including health and education."

In this case a need has been established for a single-family pitch and this location would allow the family to access schools, shops, health care facilities by public transport and on foot. The access into the site is very good with an existing vehicular access off Minnett's Lane only a few metres from the B4245. The site is of sufficient size to accommodate the required static caravan, touring caravan, day room and parking provision, all of which complies with the standards outlined in the Designing Gypsy and Traveller Sites in Wales document of the Welsh Government. The detailed design considerations of the application will be discussed in detail later on in this report, but the site does not occupy a prominent location. The site is not in any flood zone identified in the TAN15 DAM maps. The impact on the amenity on neighbouring land uses will be discussed in detail later on in this report. The site is located adjacent to the B4245 along which runs many services. Water and electricity can easily be provided to the site and the foul drainage can connect to the mains drains. The proposal accords will all of the criteria of policy H8 of the LDP and the site is a suitable location for a gypsy and traveller site.

6.4 Good Design and Place Making

As stated above the site is of sufficient size to accommodate the required facilities and those facilities meet the recognised standards. The structures on the site will all be single storey and will be partially screened behind existing vegetation and fencing. The static caravan will be of conventional design and the LPA has no control over its appearance, the same is also true for the touring caravan. The pitch will comply with the advice given in the Designing Gypsy and Traveller Sites published by Welsh Government in May 2015. The day room has already been constructed of blockwork, this will be finished in horizontal timber cladding with dark blue metal sheeting to the roof. These secondary

materials are considered appropriate in this semi-rural location. The amount of development and its intensity is comparable with existing uses and will respect the form, scale, siting massing and materials of its setting. The proposal will not impinge on any views or panoramas surrounding the site. The proposal accords broadly with the objectives of policy DES1 of the LDP regarding general design considerations.

6.5 Landscape

The site is located entirely in an Area of Amenity Importance as defined by policy DES2 of the LDP. This policy states:

Development proposals on areas of amenity importance will only be permitted if there is no unacceptable adverse effect on any of the following:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;
- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;
- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features (policy NE1 applies).

The site is currently used as a horse paddock and has been grazed in the past. The land is situated between a group of residential properties to the west, a motorway to the north, a small road to the east and a "B" road to the south; as such, it does not form an important strategic gap, view or open space. The land to the east of this site beyond Minnett's Lane does however provide an important area of open space. The application site is fenced off and in private ownership; it has never been used for formal or informal sport, recreational or community space. The site has no public access and does not add to the landscape importance of the area. The site has already been cleared but the trees on the boundary of the site are being retained and therefore there will not be a significant loss of habitat as a result of this proposal. The proposed development is therefore not considered to result in an unacceptable impact on the site's recreation value.

The vegetation from the eastern part of the site has been cleared in preparation for the hard surface, while some lowering of ground levels has also occurred. The north western part of the site has been retained as a grassy meadow. The site is surrounded by a close boarded and panel timber fencing approximately 1.8 metres in height. To the north of the site is the motorway embankment that rises up steeply and thus screens the site from views from the north. A new hedge will be planted in the centre of the site between the area of hardstanding and the grassy paddock. The existing panel fence on the western boundary will be removed and close-boarded fence will be erected with a hedge of native species planted in front. On the southern boundary facing towards the "B" road, the existing close-boarded fence will be set back by 1.2 metres from its existing position to allow for the vegetation to grow in front of it. These alterations to the fencing will soften the visual impact of the site and will provide biodiversity enhancements in the form of interconnectivity.

MCC Landscape and GI Officer welcomes the proposed alterations to the boundary treatments and offers no objection to the proposal. The planting to the internal division between paddock and hardstanding is welcome as are the proposed wildflower border, small tree planting and enhancement to existing hedges on boundaries. A planting specification and aftercare for the trees and new hedge planting needs to be provided to ensure Establishment. This can be requested by condition. It will be important for this application to retain, improve and enhance GI boundaries and connectivity along both the M48 buffer edge, Rogiet pool access, Minnett's lane and as seen from B4245 and nearby residencies. A landscape plan showing proposed planting that could enhance GI showing additional improvements to boundary treatments and planting such as maintained native species hedge and trees. This can be requested by condition.

The GI and Landscape officer suggests that if insufficient GI mitigation is provided to offset GI loss on site then an off-site contribution to enhance GI provision close to the site within and bounding

the Rogiet settlement should be sort through S106 / GI Bond agreement. Planning officers consider that sufficient GI mitigation is now being provided within the site and the a GI bond is not therefore necessary

6.6 Historic Environment

The site is not located within a Conservation Area and is not in the grounds of a Listed Building.

6.7 Biodiversity

The site is located within area of previously developed land as there has been stables on the site for many years. The site does not lie within any specifically designated protected land. Although the development would change the ecological composition and attributes of the site, the potential to provide additional green infrastructure of an appropriate species and mix and an area of managed and maintained grassland by way of condition, would provide biodiversity enhancements in compliance with the requirements of policies LC1, RE6 and NE1 of the LDP. Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. As an enhancement bat and bird boxes are being provided on the external elevations of the day room. The Biodiversity Enhancements have been included on the elevational drawings these are commensurate with the scale of the proposal. This will ensure that the provisions of policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

There is no objection from the Council's ecologist subject to conditions included below.

6.8 Impact on Amenity

To the west of the site is a pair of semi-detached properties no. 1 and 2 Rogiet Pool. There is a close boarded fence along the common boundary and beyond that a driveway. It is the side elevation of no 1 Rogiet Pool that is closest to the application site. There will be approximately 25 metres between the siting of the static caravan and the side elevation of the adjacent dwelling. The touring caravan will be sited closer to no 1 Rogiet Pool. Between the new development and side elevation of the existing house is the horse paddock. No 1 Rogiet Pool has a small window on the side elevation facing into the site. The residential use of the gypsy site will cause an increase in activity and disturbance however this will be no greater than any other residential user. As the proposed structures are all single storey and some distance from the existing residential property so they will not have a significant visual impact. There will be no loss of privacy or overlooking as a result of this proposal. To the south of the site is a row of residential properties but these are on the other side of the B4245 some 35 metres from the development.

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

6.9 Highways

6.9.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the village of Rogiet which contains a garage, shop and primary school. There are also public transport links in the form of a bus service and close proximity to Severn Tunnel Junction railway station. This site occupies a sustainable location and the occupiers of the site will be less reliant on the car to go about their daily business.

6.9.2 Access / Highway Safety

The Highway Authority consider that the traffic generated by the development although different to that previously experienced when the field was used for the keeping of horses can be accommodated on the immediate local highway network, namely Minnett's Lane and the B4245 and

would not lead to a deterioration in capacity or safety of the network.

When the application was first submitted the Highway authority was concerned about the alignment of the access, however at the request of the Highway Authority the access has been amended. The Highway engineer says, "Revised drawings 'Site Plan, Dwg 03f' and 'Site Access Splay Plan, Dwg 11c' have been submitted as part of the application in response to the highway concerns. Having reviewed the drawings the Highway Authority are satisfied that the concerns regarding access have now been addressed. In light of the above we would offer no objection to the development subject to the revised drawings being attached to any grant of planning consent.

6.9.3 Parking

The submitted plan indicated that two car parking spaces can be provided within the site, there is more land available within the site should more parking spaces be required. The proposal accords with the objectives of policy MV1 of the LDP.

6.10 Flooding

Based on the Development Advice Maps associated with Technical Advice Note (TAN) 15: Development and Flood Risk the site is outside of any allocated flood zone and is therefore unlikely to flood. The MCC database of previous flood events does not record any flood events in close proximity to the site and does not record any drainage or flood assets in close proximity to the site. The application is therefore considered compliant with the requirements of LDP policies S12, SD3 and criterion e) of Policy H8.

6.11 Drainage

6.11.1 Foul Drainage

The application site is in an area served by mains drains and in such areas the foul drainage must discharge to the mains. The applicant has indicated that this is the case. Foul water from both the caravan and day/utility room will be drained to the public foul sewer system as there is a connection point available via the manhole in the triangular area of land adjacent to the southern boundary. Welsh Water have offered no objection to the proposal.

6.11.2 Surface Water Drainage

Surface water from the caravan, day/utility room and the stable block will drain to soakaways. The SuDS Approval Body has offered no objection.

The application has now demonstrated a means of surface water discharge (by proving infiltration rates on the site will support infiltration of surface water). SAB approval will be required prior to any works commencing on site but this would be applied for separately.

6.12 Mineral Safeguarding.

The site is located within a limestone, Minerals Safeguarding Area. Policy M2 of the LDP says that:

Proposals for permanent development uses within identified mineral safeguarding areas will not be approved unless:

- i) The potential of the area for mineral extraction has been investigated and it has been shown that such extraction would not be commercially viable now or in the future or that it would cause unacceptable harm to ecological or other interests; or
- ii) The mineral can be extracted satisfactorily prior to the development taking place; or
- iii) There is an overriding need for the development; or
- iv) The development comprises infill development within a built-up area or householder development or an extension to an existing building.

In this case, the proposal comprises infill development within a built-up area. The site is not suitable for mineral extraction due to its proximity to the M48 Motorway and existing residential properties. The proposal does not therefore conflict with the objectives of policy M2 of the LDP.

6.13 Phosphates

Under the Conservation of Habitats and Species Regulations 2017, it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

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

Councillor Strong objects to the proposal as it represents an incursion into the green wedge between Rogiet Pool and neighbouring settlements and because it is outside the settlement boundary. As explained in the main body of the report the impact on the value of the Green Wedge resulting from this application in officers' views, will be minimal. The application site is fenced off and in private ownership and has never been used for formal or informal sport, recreational or community space. The site has no public access and does not add to the landscape importance of the area. It is surrounded on three sides by roads with residential development to the west. It is true that the site is outside the development boundary but the advice from Welsh Government on this matter is clear when identifying sites for Gypsy and Traveller caravans, local planning authorities should consider locations in or near existing settlement with access to local services such as schools, health services and shops. The Circular identifies the issue of site sustainability as being important. In this case this is a very sustainable location on the edge of a settlement and therefore the proposal accords with the advice given in the Circular. Councillor Strong is also concerned over the stockade style appearance of the site and its impact on the Area of Amenity Importance. Planning officers consider that the close-boarded fence is appropriate in this location especially since the adjoining property has a similar style fence along its boundary. The structures within the site are all single storey and not visually prominent. Councillor Strong The local member also questions the applicant's ultimate aims, but this is not for the planning authority to consider, they must address the application as submitted. Finally, the councillor believes that the proposal is contrary to PPW as it does not provide a high-quality attractive place featuring high-quality design which respects local distinctiveness. The application relates to the provision of a single gypsy plot and the design conforms to the standards outlined in the Designing Gypsy and Traveller Sites in Wales document of the Welsh Government.

Response to Community Council and local residents.

Neighbours note that the application site is outside of the development boundary and the site has not been allocated in the Local Plan for residential use. As explained above Circular 005/2018 exceptions can be made in the case of Gypsy and Travellers sites if there is a realistic need for the site and it is in a sustainable location. Gypsy and traveller sites can be granted outside of settlement boundaries subject to sustainability criteria set out in national planning policy if there are no realistic, suitable sites available within or adjacent to settlement boundaries to accommodate Gypsies and Travellers.

There will be no significant increase in traffic resulting from just one pitch on the site. The Highway Authority have stated that "the traffic generated by the development can be accommodated on the immediate local highway network, namely Minnett's Lane and the B4245 and would not lead to a deterioration in capacity or safety of the network".

Local residents are concerned about noise and smells. It is proposed that the site be linked to mains electricity so there will be no need for generators to be used on the site. There is now no proposal to keep horses on the site so there is no need for a dung heap. No excessive waste will be produced over and above that from any other residential use of similar scale. The site is considered of sufficient size to accommodate one pitch, and this has been demonstrated in the proposed site plan. The fact that work has already started is not a material planning consideration. The stable block has the benefit of planning permission. The site is not in a flood zone identified in the TAN 15 DAM maps and the MCC database of previous flood events does not record any flood events in close proximity to the site. The impact on residential amenity has been discussed in detail in the main body of the report. The submitted plan indicated that two car parking spaces can be provided within the site, while there is more land available within the site should more parking spaces be required. The proposal accords with the adopted parking standards. The devaluation of property prices is not a material planning consideration and there is no reason that the current proposal would affect the water supply to other properties.

The impact on the Green Wedge has been discussed in the main body of the report as have the ecological and visual impacts. The fact that there may have been a previous refusal of planning

permission on the site many years ago is not relevant; the application needs to be considered under current extant policies and Welsh Government advice. This application must be determined on its own merits as will all applications so the proposal will not set a precedent for other gypsy and traveller sites. The current application complies with the advice given in the Welsh Government Circular. There is no reason to think that hazardous materials or scrap will be brought into the site. The fact that the applicants were not included on the latest Needs Assessment is not a justification for refusing the application. The Welsh Government Circular clearly states, "Planning authorities should not refuse applications because the applicant has no local connection."

There are no dimensions on the site plan. The stable to be converted is existing and its dimensions are given in the submitted planning application. The size of the static caravan is defined in the Caravan Act and a touring caravan comes in standard sizes and cannot be controlled. A site Notice was posted at the site on the 18/11/21 and local residents were notified. Neighbours and contributors were re-consulted on the amended plans on the 23rd May 2022.

6.15 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.

6.16 Conclusion

The applicant and his family are accepted as being gypsies. The proposed site is situated in a sustainable location adjacent to an existing settlement, the application therefore accords with the advice given in circular 005/2018. A need has been established for a single-family plot to allow the family access to schools, shops and health care facilities, this proposal will ensure that the need is met. The site is of sufficient size to accommodate the single pitch, in line with the standards outlined in the Gypsy Site Design Document. The site is outside any recognised flood zone. Water and electricity can easily be provided. The principle of a gypsy pitch on this site accords with Welsh Government advice and Policy H8 of the LDP.

The proposal accords with the objectives of policy DES1 of the LDP regarding general design considerations. The site because of its location and small-scale development will not significantly impact on the landscape value of the area. There is no recreational value to the site as there is no public access, the proposal therefore is not contrary to the objectives of policy DES2 of the LDP. Biodiversity enhancements are being provided in line with Policy NE1 of the LDP. The proposal accords with the Council's normal privacy standards for new development. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development. The surrounding road network has sufficient capacity to accommodate one additional residential unit and adequate parking provision can be provided within the site; therefore the proposal meets the requirements of Policy MV1 of the LDP.

The proposal is policy compliant and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3 The occupation of the site shall only be by Gypsies and Travellers as defined in Circular

005/2018 published in June 2018 where Paragraph 2 refers to Section 108 of the Housing (Wales) Act 2014 where Gypsies and Travellers are defined as:

- a) Persons of a nomadic habit of life, whatever their race or origin, including
- (i) "Persons who, on grounds only of their own or families or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
- b) All other persons with a cultural tradition of nomadism or of living in a mobile home. Shall be stationed at the site at any one time.

REASON: To ensure the site is only occupied by qualifying gypsies or travellers in accordance with Welsh Government Circular 005/2018.

4 There shall be no more than one pitch on the site (as referred to in par.3.37 of Welsh Government's Designing Gypsy & Traveller Sites guidance, May 2015) and no more than one static caravan as defined in the Caravan site and Control Development Act 1990 and the Caravan Sites Act of 1968, shall be stationed at the site at any one time.

REASON: The increase in development would be unacceptable with regards to the amenity of the occupiers of the pitch having regard to policies S13, S17, EP1 and DES1.

5 Any material change to the position of the static caravan or its replacement by another mobile home in a different location shall only take place in accordance with the details submitted to and approved in writing with the LPA

REASON: In order to protect the visual impact on the character and appearance of the application site and wider area in compliance with the LDP policies S13, S17, EP1 and DES1

6 Notwithstanding the provisions of Article 3, Schedule 2, of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure, gates, buildings, containers or other structures shall be erected or brought onto the site other than those expressly authorised by this permission. other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy H4.

7 No commercial activity shall take place on the land including the storage of materials and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

REASON: In the interests of residential amenity in accordance with policy EP1 of the LDP

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

- o Soft landscape details for strategic landscaping and shall include: planting plan detailing boundary hedges and proposed trees, means of protection, specifications including species, size, density and number of trees and hedge, cultivation and other operations associated with tree and hedge planting and seeding establishment.

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

9 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 in accordance with LDP policies LC5, DES 1, S13, and GI 1 and NE1.

10 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall

include details of the arrangements for its implementation including roles and responsibilities. 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.

11. The proposed fence to the front of the site, facing the junction of Caldicot Road and Station Road will be set within the site and behind the identified existing and retained hedgerow as shown on Site Plan 03e. The existing hedgerow shall be retained in perpetuity.

Reason: In the interests of the visual amenity of the area in accordance with policy S8 and DES 1 of the LDP.

12. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be located within the application 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. The lighting on site shall be carried out in accordance with the approved detail

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

13. The approved '*Site Plan – Drawing no. 03g*' (dated 21/06/2022) and '*Elevations – Proposed Day Room – Drawing no. 07a*' (dated 08/09/2021) by Hayston Developments & Planning Ltd which illustrates the position of the native planting and wildlife boxes, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension.

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

14. No development, demolition or earth moving shall take place, or material or machinery brought onto the site until an Ecological Construction Method Statement has been submitted to and approved in writing by the local planning authority.

The Ecological 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.

INFORMATIVES

1 SAB INFORMATIVE: Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site appears to be in excess of the 100 m² threshold.

Total construction area includes existing buildings that are being replaced, removed or patio/driveway areas.

The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.