monmouthshire
sir fynwy

Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 30 Hydref 2017

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 7fed Tachwedd, 2017 at 2.00 pm, Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

AGENDA

Eitem Ddim	Eitem	Tudallenau
1.	Ymddiheuriadau am absenoldeb.	
2.	Datganiadau o Fuddiant.	
3.	Cadarnhau cofnodion y cyfarfod blaenorol.	1 - 16
4.	I ystyried yr adroddiadau Cais Cynllunio canlynol o'r Prif Swyddog – Menter.	
4.1.	CAIS DC/2016/01219 - LLEOLI ANNEDD DROS DRO AR GYFER MENTER WLEDIG YN GWEITHIO I SEFYDLU BUSNES MAGU LLOI. FFERM OAK TREE, HEOL Y CHWAREL, Y DYFAWDEN.	17 - 32
4.2.	CAIS DC/2016/01308 - AILDDATBLYGU SAFLE MEWN MODD CAM WRTH GAM ER MWYN DARPARU DAU ANNEDD; UN CYN AC UN AR ÔL DYMCHWEL YR ANNEDD PRESENNOL. BRIDGE HOUSE, PWLLMEURIG, NP16 6LF.	33 - 40
4.3.	CAIS DC/2017/00552 - CODI PEBYLL AR GYFER DEFNYDD DIGWYDDIADAU RHWNG EBRILL A HYDREF (CYNHWYSOL) A CHADW SIED (4 METR SGWÂR). THE BELL, YNYSGYNWRAIDD.	41 - 46
4.4.	CAIS DC/2017/00651 - CODI RHANDY DEULAWR. 40A MAIN ROAD, PORTHSGIWED.	47 - 50
4.5.	CAIS DC/2017/00950 - CODI TERAS O 3 ANNEDD GWLEDIG EITHRIEDIG, MYNEDIAD A MAN PARCIO NEWYDD, CLWYD CAE/MYNEDIAD NEWYDD A GWAITH CYSYLLTIEDIG. TIR GYFERBYN Â HEN DŶ'R YSGOL, HEOL YR EFAIL, TYNDYRN.	51 - 60

4.6.	**CAIS DC/2017/00974 - GWAITH CADW LLWYBR - DARPARU DEUNYDDIAU ARWYNEBEDD I'R FYNEDFA BRESENNOL. TIR YNG NGHOEDWIG WALLWERN, CAS-GWENT.**	61 - 64
5.	**ER GWYBODAETH - Yr Arolygiaeth Gynllunio - Penderfyniadau o ran Apeliadau a Dderbyniwyd.**	
5.1.	**Penderfyniad Apêl - Hen Dŷ'r Felin, Y Grysmwnt.**	65 - 68
5.2.	**Penderfyniad Apêl - Fferm Meardy Uchaf, Llangyfiw.**	69 - 80
5.3.	**Apeliadau newydd a dderbyniwyd - 21ain Medi i 26ain Hydref 2017.**	81 - 84

Paul Matthews

Prif Weithredwr

CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:	R. Edwards P. Clarke J. Becker D. Blakebrough L. Brown A. Davies D. Dovey D. Evans M. Feakins R. Harris J. Higginson G. Howard P. Murphy M. Powell A. Webb One vacancy (Independent Group)

Gwybodaeth Gyhoeddus

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

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

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

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

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

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

Pobl yn hyderus, galluog ac yn cymryd rhan

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

Ein sir yn ffynnu

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

Ein blaenoriaethau

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

Ein gwerthoedd

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

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 pwyso a mesur y gwahanol ystyriaethau cynllunio perthnasol.

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

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

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

Gwneud penderfyniadau

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

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

Gellir cytuno i geisiadau yn amodol ar gytundeb cyfreithiol dan Adran 106 Deddf Cynllunio Tref a Gwlad 1990 (fel y'i diwygiwyd). Mae hyn yn sicrhau goblygiadau cynllunio i wrthbwyso 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 bolisïau 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 ddwyster yn gydnaws gyda defnyddiau presennol;
c) Parchu ffurf, maint, lleoliad, casglu, deunyddiau a gweddlun 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 saernïaeth 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, gweddlun, 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 mewnlenwi ansensitif neu amhriodol.

Cyfeirir at bolisïau 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-ddefnydd ar gyfer Dibenion Busnes (mabwysiadwyd Ebrill 2015)
- Polisïau H5 a H6 LDP Anheddau yn Lle ac Ymestyn Anheddau Gwledig yng Nghefn Gwlad (mabwysiadwyd Ebrill 2015)

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

Polisi Cynllunio Cyhoeddus

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

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

Materion eraill

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

Deddf Cynllunio (Cymru) 2016

Daeth Adrannau 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 Amgylchedd1999
Mae Rheoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Lloegr a Chymru) 1999 fel y'i diwygiwyd gan Reoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Diwygiad) 2008 yn berthnasol i'r argymhellion a wnaed. Bydd y swyddog yn tynnu sylw at hynny pan gyflwynwyd Datganiad Amgylcheddol gyda chais.

Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010
Lle aseswyd bod safe cais yn safle bridio neu glwydo ar gyfer rhywogaethau Ewropeaidd a warchodir, bydd angen fel arfer i'r datblygydd wneud cais am "randdirymiad' (trwydded datblygu) gan Cyfoeth Naturiol Cymrau. Mae pob rhywogaeth o ystlumod, pathewod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwyddeb Cynefinoedd y caniateir rhanddirymiadau. Caiff y tri phrawf eu nodi islaw.

(i) Mae'r rhanddirymiad er budd iechyd a diogelwch y cyhoedd, neu am resymau hanfodol eraill o ddiddordeb pennaf i'r cyhoedd, yn cynnwys rhai o natur economaidd a chanlyniadau buddiol o bwysigrwydd sylfaenol i'r amgylchedd.
(ii) Nad oes dewis arall boddhaol.
(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffafriol yn eu hardal naturiol.
Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015
Nod y Ddeddf yw gwella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru. Mae'r Ddeddf yn gosod nifer o amcanion llesiant

- **Cymru lewyrchus;** defnydd effeithiol o adnoddau, pobl fedrus ac addysgedig, cynhyrchu cyfoeth, darparu swyddi;
- **Cymru gref;** cynnal a chyfoethogi bioamrywiaeth ac ecosystemau sy'n cefnogi hynny ac a all addasu i newid (e.e. newid yn yr hinsawdd);
- **Cymru iachach;** cynyddu llesiant corfforol a meddyliol pobl i'r eithaf a deall effeithiau iechyd;
- **Cymru o gymunedau cydlynol:** cymunedau yn ddeniadol, hyfyw, diogel a gyda chysylltiadau da.
- **Cymru sy'n gyfrifol yn fyd-eang:** rhoi ystyriaeth i effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol;
- **Cymru gyda diwylliant egnïol 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;
- **Ymgyfraniad:** 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 gwarchodedig': oedran, anabledd, ailbennu 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 warchodedig a'r rhai nad ydynt; a meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchodedig 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 gwarchodedig; cymryd camau i ddiwallu anghenion o grwpiau gwarchodedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac annog pobl o grwpiau gwarchodedig 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 Democrataidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i registertospeak@monmouthshire.gov.uk. Caiff unrhyw geisiadau i siarad a gaiff eu e-bostio eu cydnabod cyn y dyddiad cau ar gyfer cofrestru i

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

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

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

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

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

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

- Polisïau cynllunio cenedlaethol a lleol perthnasol
- Ymddangosiad a chymeriad y datblygiad, gweddlun 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.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd October, 2017 at 2.00 pm

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

County Councillors: D. Blakebrough, L.Brown, A.Davies, D. Dovey, D. Evans, M.Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy and M. Powell

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Paula Clarke	Development Management Area Team Manager
Craig O'Connor	Development Management Area Team Manager
sarah Jones	Principal Planning Policy Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors J.Becker and A. Webb

1. **Declarations of Interest**

There were no declarations of interest made by Members.

2. **Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 5th September 2017 were confirmed and signed by the Chair.

3. **DC/2014/01360 - CONSTRUCTION OF 250 RESIDENTIAL UNITS WITH ASSOCIATED DEMOLITION AND INFRASTRUCTURE WORKS, LAND AT DERI FARM, MARDY, ABERGAVENNY**

We considered the report of the application and late correspondence which was recommended for approval subject to the 16 conditions, as outlined in the report and subject to the amendments to the conditions, as outlined in late correspondence.

The local Member for Mardy attended the meeting by invitation of the Chair and outlined the following points:

- Access to the whole site is a concern as it will be located on a sharp bend and would be opposite a double dwelling.

- There has been a long running issue in this area with regard to traffic matters relating to the volume of traffic and heavy goods vehicles using this route as a short cut.

- Traffic often exceeds the speed limit on this road by a considerable margin. By the time the traffic reaches the 30mph speed limit, vehicles are usually within the 30mph zone before slowing down to the appropriate speed.

- The volume of traffic exiting this proposed new development will result in a continuous volume of traffic joining an existing fast road causing additional traffic problems for local residents.

- This site was identified late in the Local Development Plan (LDP) as an addition.

- The objections to the proposed development have been well documented by the local action group that are against this development.

- Removing the pylons and putting the cables underground has come at a cost with the reduction in the affordable housing provision from 35% to 19.6%.

- Concern was expressed regarding the process surrounding the removal of the pylons.

- With this development there will be extra demand on services in Abergavenny such as hospital provision and doctors' surgeries.

Mr. S. Griffiths, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- Many people have consistently opposed this development since it first emerged as the Council's preferred strategic housing site.

- The key reasons for objections have been:

    - The impact on traffic volumes along the Hereford Road, particularly through Mardy and its junction with Park Road.

    - The failure of the development to comply with the sustainability policies of the Council and Welsh Government.

    - The dramatic impact on the landscape and the negative effects on wildlife.

    - The dangerous location of the site access.

    - The failure of the proposal to meet the Council's own requirements in respect of 35% affordable housing, with only 19.6% now being proposed.

    - The unacceptable siting of the new pylon along the Hereford Road.

- The Planning Inspector stated in accepting the inclusion of Deri Farm in the Local Development Plan (LDP) that she was relying on the Council to live up to the

promises on traffic reduction measures. There is little or no evidence of this being done.

- The Council and the developers have, in the past, argued that the scheme would be viable and that affordable housing targets would be met. Objectors have consistently argued that this would not be the case and that as soon as the scheme found its way onto the LDP, the developers would back track on commitments.

- This is a critical point, as the Council has considered that more affordable houses are a crucial objective.

- The scheme can only be considered truly viable if it meets all of the prescribed requirements.

- Planning Officers have argued throughout the LDP process that the negative aspects of the development were unavoidable as Deri Farm was the least, worst option and on this basis rejected all alternative sites. Since then, two of these alternative sites have been given planning permission. This, coupled with the failure to deliver on promises, indicates that the least, worst option is no longer unavoidable.

- The impact on traffic and safety, the impact on the landscape adjacent to the national park, the lack of sustainability and all of the other negative impacts of the development are not offset by the gains, which, are now being significantly reduced. Other developments are being identified, which were not identified when the LDP was being prepared.

- Over the years, evidence has been provided by objectors to the development. At every stage of the process the Planning Officers have rejected their arguments on the grounds of the greater good offsetting all of the negative factors. The greater good has now been significantly reduced and the lack of alternatives have been shown to be incorrect. In the view of local people, the benefits have been overstated and there is dismay that what has happened in relation to affordable housing provision. The downsides have been understated. There is concern regarding traffic flows with the situation in Mardy already having traffic concerns.

Mr. D. Hodgkiss, representing Persimmon Homes, attended the meeting by invitation of the Chair and outlined the following points:

- The site at Deri Farm was allocated in the adopted Local Development Plan (LDP) with the principal of development having been established.

- The principals of sustainability and suitability are firm.

- Representations made throughout the LDP process state that the site would be viable subject to the Section 106 and the detailed viability to be undertaken in due course.

- Homes will range in size between one and four bedrooms. Of the 250 homes, 49 homes are proposed to be affordable, of which, three will be bungalows, which are a specific need and are required on this site.

- The scheme also involves the removal and undergrounding of four pylons. Two of which are located on the site and two on adjacent land. A single new terminal tower, at a height of 29 metres, will be installed, which will be significantly shorter than the existing pylons. This will be positioned east of Hereford Road next to the River Gavenny.

- Removal of the pylons will bring significant positive impacts to local residents, the wider setting of Abergavenny and the national park. Brecon Beacons National Park has supported the removal of the pylons.

- The new junction at the site entrance has been assessed by planning and transport consultants as well as being assessed by Council highways officers.

- A series of footpaths will be created through the site and adjacent to the wider area with linkages to the town centre.

- The scheme is well designed. Existing trees and hedges are to be retained and protected within significant areas of open space. A children's play area is also included with community orchard in the central part of the site.

- In recent years, the applicant has worked with officers to make a series of refinements to the proposal including design and elevation enhancements to the scheme over and above the standard specification of the scheme to meet with officer requirements. In addition, the materials pallet has been upgraded to use slate effect roof tiles, reconstituted stone and render. Additional windows, following consultation, have been added to increase surveillance of the public realm.

- The 30mph speed limit has been moved northwards along Hereford Road to just beyond the existing access with St. Teilo's Church. A footpath link has also been provided to the school.

- A series of Section 106 contributions are being provided.

- At the present time, Monmouthshire's land supply is below five years and there is a critical need for strategic allocated sites to be approved.

The Head of Planning, Housing and Place Shaping responded, as follows:

- In terms of the traffic, there is a traffic assessment as part of the application. This has been investigated by Highways officers using the traditional modal split, so officers would have looked at a realistic vehicle generation. Vehicle speeds and traffic volumes have been looked at and officers are content with this.

- With regard to the affordable housing, since the LDP examination, the pylon and undergrounding costs have nearly doubled, which is why negotiations were required. The matter has been referred to the District Valuer for this to be looked at independently.

- With regard to the demand on services, at LDP allocation stage the Health Board was engaged with and was satisfied with the proposal in terms of housing numbers. There has been no request for additional infrastructure from the Health Board.

- Pylon removal – details will be set down in a Section 106 Agreement to ensure that it is adhered to.

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

- This is a strategic allocated site within the Local Development Plan (LDP).

- A robust consultation process had been undertaken.

- Green Infrastructure (GI) has been taken into account providing ample open space.

- The removal of pylons and the proposed undergrounding will be a positive action.

- It is a well designed site.

- Officers and the Delegated Panel have liaised with the developers with a view to obtaining the best outcome for the site.

- The highways network can accommodate the increase in traffic.

- The reduction in the number of affordable houses has been explained providing extenuating circumstances.

- Permanent flashing 30mph signs at convenient sites either side of the development would be beneficial.

- An increase in the number of houses with chimneys would improve the appearance of the site.

- The 30mph zone will be covered under a Section 278 Agreement and the further north this is located would be beneficial in reducing the speeds of vehicles.

- Visibility splays could be widened even further making it safer.

- The Authority is now consulting with the Health Board on the major applications for housing and on Supplementary Planning Grants (SPG) when they come forward. Officers will engage again with the Health Board when the new LDP is prepared, in due course. Planning Committee had agreed to notify the Health Board regarding annual projections of which new housing sites are coming forward, to help it inform its infrastructure needs.

- In terms of the speed signs, this would be covered by the Section 278 Highways Agreement. This matter and the visibility splay issue will be passed to the Highways Department to be incorporated in to the Agreement.

- With regard to the education contribution, the legal tests are that the Authority has to be able to justify what the money is being asked for and it has to be necessary to make the scheme acceptable in planning terms. If there are surplus places, we cannot ask for the funding. However, if there are not enough spaces then funding can be requested. In English speaking primary education provision there is capacity. Therefore, in response to a question raised regarding English speaking primary education provision, it was noted that such a request would not meet the legal tests because there is capacity. With regard to the Welsh Medium primary provision, there isn't capacity, so it is justified.

- The affordable housing is pepper potted around the site which is pleasing.

- With regard to the £40,000 towards providing a bus service, the intention is to pump prime it to generate the service.

- A lighting design strategy could go to the design panel for consideration.

- Section 106 funding cannot be used to fund the development of broadband on new developments. However, developers can be made aware of these requirements and hope that they install the appropriate infrastructure. This information can also be made more readily available to the broadband providers so that they can also plan their infrastructure.

- In terms of the Green Infrastructure, there is a management plan which will be controlled via condition.

- The construction management plan will be covered via condition.

- Traffic calming on the main road outside of the site will be controlled via a Section 278 Agreement. The details of the agreement will be shared with the ward member.

- The sale suite will most likely be located at the front of the site but this could be conditioned with regard to how this is provided for.

- Concern was expressed that the design was simplistic with very little fenestration on the proposed dwellings. The Delegation Panel should view the drawings for all of the proposed dwellings on the site to ensure that all of the details that have been agreed are in place and that the colours of the bricks, render and tiles also be viewed.

The local Member summed up by stating that there are attributes to the proposed development and is comforted by information provided in that there will be safeguards relating to the speed of traffic. It would be beneficial if the 30mph speed limit could be located near to the existing estate north of the proposed development with a view to slowing traffic at this location before it reaches the proposed new development.

Having considered the report of the application and the views expressed, it was proposed by County Councillor R.G. Harris and seconded by County Councillor M. Powell that application DC/2014/01360 be approved subject to the 16 conditions, as outlined in the report and subject to the amendments to the conditions, as outlined in late correspondence. An informative will be added encouraging the developer to make the necessary provisions for broadband infrastructure. Also, that the Delegation Panel should view the drawings for all of the proposed dwellings on the site to ensure that all of the details that have been agreed are in place including the colours of the bricks, render and tiles.

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

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

The proposition was carried.

We resolved that application DC/2014/01360 be approved subject to the 16 conditions, as outlined in the report and subject to the amendments to the conditions, as outlined in late correspondence. An informative will be added encouraging the developer to make the necessary provisions for broadband infrastructure. Also, that the Delegation Panel should view the drawings for all of the proposed dwellings on the site to ensure that all of the details that have been agreed are in place including the colours of the bricks, render and tiles.

4. DC/2016/01219 - FULL PLANNING APPLICATION FOR THE SITING OF A TEMPORARY RURAL WORKERS DWELLING FOR A PERIOD OF THREE YEARS, OAK TREE FARM, OLD QUARRY ROAD, DEVAUDEN

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

The local Member for Devauden, attended the meeting by invitation of the Chair and outlined the following points:

- There is a laudable ambition to raise calves that might otherwise be of little value.
- The application has been presented to the Committee with a recommendation for approval with two basic reasons, firstly, under TAN 6 and secondly, because the County Council's consultant now believes that this is a viable plan. However, the consultant had originally considered that this business was not viable.
- This is a 14 acre site with potentially two acres of the site being taken up by the yards and non- grazing area.
- Further land is being made available on an open ended formal agreement. Therefore, availability of this land cannot be relied upon.
- 12 acres of land, on which to base this business plan, is illogical. 125 calves growing into cattle are expected to be reared on this land. The applicant has indicated that the calves will spend four months on milk followed by summer grazing in four batches. This will be difficult to achieve.
- The business plan indicates that it will be a low input system relying on a large acreage of grazing, which this area does not provide.
- The cost of the calves equates to £20 per calf according to the business plan. Any reasonable calf equates to £100 or more.
- The applicant's previous business was in Dorset but was not viable because it was not direct selling. This is a niche market. However, the applicant expects to sell 125 carcasses by direct selling, internet and mobile phone. This is a huge output and very difficult to achieve. The cost of refrigeration, transport to and from the markets and transport costs for internet sales has not been provided.
- The business plan needs to demonstrate that it can support a worker and every worker will need housing. However, the applicant has indicated that they cannot afford accommodation costs. The applicant does not need to live on site.
- Capital costs could be shared with other parts of the business. However, in this case the applicant has to take on the whole of these costs.

- This is a high risk bovine T.B. area. Many of the farmers in this area are under restrictions from T.B. and several farmers nearby have been closed down.

- Contrary to the Council's consultant's views, this location is a cold hillside that supports sheep very well. It is not a site for a speculative calf rearing venture.

Ms. L. Coulthard, representing local objectors, attended the meeting by invitation of the Chair and outlined the following points:

- It is considered that the application is a property development in search of a business case to justify it.

- The plot in question was marketed as such extolling its exceptionally beautiful setting and explicitly mentioning the possibility of building a farm house.

- There is no detrimental effect on someone submitting a retrospective planning application but it was hoped that the Planning Committee will recognise the disregard for planning law that the applicant has demonstrated which raises suspicions about its authenticity as being primarily a genuine new farming business, however well-meaning those business intentions are.

- Objectors are objecting to the application for the same reason that TAN 6 guidance was introduced. To protect the precious highly sought after but rapidly diminishing countryside, which should be safeguarded for the whole community.

- This is no ordinary countryside. The Devauden escarpment is designated a special landscape area, which is set between two sites of special scientific interest (SSSI).

- If the application is approved, a precedent will be set.

- The three years being offered to the current applicant proves the viability of this enterprise as being crucial because the applicant might then be able to ignore County Council planning and go directly to the Welsh Government and apply under the One Planet Initiative.

- In the consultant's initial appraisal of the application, many of the TAN 6 tests were assessed initially as not being met. However, in the recent appraisal, these tests have been assessed as being met. No further evidence has been provided, nor has anyone been able to view a revised business plan or any of the financial information that would be necessary to make a proper assessment of the viability of this business.

- One of the TAN 6 tests states that the business should be based on a sound financial basis. No evidence has been presented.

- Another test relates to the inherent suitability of the site to be tested with clear evidence required in respect of the site selection and the reason why the

enterprise could not be accommodated on an alternative site. No evidence has been provided.

- There is no evidence that any other sites have been sought. There is no evidence to show that the applicant has to live on this site. The Agricultural and Horticultural Board stated that it was not necessary.

- The decision to approve the application is based on wanting to support new businesses and would go ahead even if someone was not living on site.

Mr. S. Andersen, applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

- The initial concerns of the County Council's consultant were overturned by request of information from the applicant which had led to the consultant changing his view in respect of the application.

- The applicant has worked successfully in agriculture for many years and wants to establish a family run farm on the site.

- It has been agreed with the planning officers and the consultant that this enterprise meets all the tests of TAN 6. The evidence submitted with the application, along with the approval for a large agricultural building on the site, as well as there being plenty of land for the business, means that the enterprise meets all of the tests.

- The applicant has the option to rent additional land, if and when required.

- The applicant had run an enterprise from Dorset but the business outgrew the land and she needed to relocate. Relocation was based on finding land that was suitable in size and could provide for future expansion.

- Of all the potential sites, it was this site that met the applicant's needs. The planning permission for an agricultural building further attracted the applicant to the site.

- The applicant has past experience and success and has numerous qualifications and awards. There have been various newspaper articles about the applicant, as well as many letters of support.

- The applicant is serious about farming and has past experience.

- The applicant wants the opportunity for the farming enterprise to expand and to become a success. What TAN 6 aims to do is support living and working in rural communities.

- It has been agreed between the applicant and the Council's consultant that all tests set out in TAN 6 have been met and the applicant should be given the opportunity to prove that the enterprise will be successful.

- The applicant is not applying for a permanent dwelling.

Having considered the views expressed, the following points were noted:

- The soil and stone has been dumped around the site. The cost of removal and reinstatement will be considerable.

- The scale of the development is no longer commensurate with the size of the plot.

- The access is poor for this type of development.

- Three year consent for a business at this site would be desirable but there would be no justification for any future application for any type of dwelling on this site.

- The business case is poor and does not take into account the real costs involved in acquiring the animals.

- The land is not conducive to the number of cattle proposed. The land is better suited to the grazing of sheep.

- If the venture failed the site would be left with a very large shed. It would be doubtful as to how this could be utilised.

- Concern was expressed that the application could not be considered financially viable when the barn and caravan are nor factored into the costing.

- There is no reference in the report to Rural Enterprise Dwelling appraisals in which such an appraisal must accompany planning applications of this type of development.

- There is no need to be located on the site to run this type of business.

The local Member summed up by stating that this is an application just for a temporary home. It does not prevent someone with enterprise wanting to try a business venture, but living on the site is not necessary.

Having considered the report of the application and the views expressed, it was proposed that we be minded to refuse application DC/2016/01219 on the grounds that there is no need for a temporary dwelling to be located at this site for such a business venture. The application will be re-presented to a future Planning Committee meeting with reasons for refusal.

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

For refusal	-	12
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2016/01219 be refused on the grounds that there is no need for a temporary dwelling to be located at this site for such a business venture. The application will be re-presented to a future Planning Committee meeting with reasons for refusal.

5. DC/2017/00771 - RETROSPECTIVE PLANNING APPLICATION TO CHANGE THE USE OF 4056SQ.M. OF LAND FROM GRAZING/AGRICULTURAL USE TO STORAGE OR DISTRIBUTION; THE LAND HAS BEEN USED FOR STORAGE AND DISTRIBUTION FOR THE LAST 4 YEARS, BARRIER SERVICES, THE ELMS, CAERWENT BROOK, CALDICOT

We considered the report of the application and late correspondence which was recommended for approval subject to the one condition, as outlined in the report.

The local Member for Caerwent, also a Planning Committee Member, outlined the following points:

- The Community Council and residents had expressed concern regarding this application regarding the size and speed of vehicles, which has increased.

- The evidence from the company is that that is not the case and are not operating to the amount of vehicles allowed in their operating licence.

- The local feeling is that the business has outgrown the site.

- The site has been there for a number of years and it is understood that more land has been acquired, which will be subject to a planning application being submitted. If approved, this will replace the existing site in a more suitable location.

- The site is being cooperative with regard to complaints that have been received by local residents.

Some Members of the Committee considered that the application should be approved but noted that the location of the business did create some disturbance as the lane was narrow for large vehicles. A potential move to a more suitable site should be encouraged.

However, other Members of the Committee expressed concern regarding the increased deliveries to the site and that the application was a retrospective planning application.

The Head of Planning, Housing and Place Shaping informed the Committee that the guidance states that retrospective planning applications have to be considered by the Planning Committee.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor D. Dovey that application DC/2017/00771 be approved subject to the one condition, as outlined in the report.

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

For approval	-	11
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00771 be approved subject to the one condition, as outlined in the report.

6. APPEAL DECISION - CHAINBRIDGE INN

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 4th September 2017. Site: Land at the Chainbridge Inn, Kemys Commander, Usk, NP15 1PP.

We noted that subject to the corrections and variation, as outlined in the report, the appeal was dismissed and the enforcement notice was upheld.

7. APPEAL DECISION - CLEARVIEW, SHIRENEWTON

We received the Planning Inspectorate report which related to appeal APP/ E6840/C/17/3172828 and appeal APP/ E6840/A/17/3172829 following a site visit that had been made on 6th June 2017. Site: 23 Clearview, Shirenewton, Chepstow, NP16 6AX.

Appeal APP/ E6840/C/17/3172828:

The appeal succeeds on ground (f) in part and on ground (g) only. The requirements of the enforcement notice are varied as follows:

Delete schedule 4 in its entirety and:

(i) Substitute the following new requirement: Permanently remove the railings from on top of the retaining wall and reduce its height so as to conform to the maximum height indicated by drawing no. 1 Rev A dated January 2016 authorised by planning permission reference DC/2015/1386. Permanently remove from the land all rubble and waste produced by reducing the height of the wall.

(ii) Amend the time for compliance to 6 calendar months.

Subject to these variations the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal APP/ E6840/A/17/3172829:

The appeal is dismissed.

8. APPEAL DECISION - TY'R GOYTRE, PANDY

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 4th July 2017. Site: Tyr Goytre, Pandy, Abergavenny, NP7 8EB.

We noted that the Enforcement Notice ("the EN") is varied by

- The deletion of the words '….*4 calendar months from the date that this Notice takes effect*' from the Time for Compliance and their replacement with the words '….*12 calendar months from the date that this Notice takes effect*'.

- The substitution of the plan referred to in Schedule 2 of the EN with the plan attached to this Decision, dated 27/6/2017.

Subject to these variations, the appeal is dismissed in respect of grounds (a), (d) and (f) and the EN is upheld. The appeal on ground (g) succeeds.

9. Planning appeals received 20/7/17 to 20/9/17

We received and noted the planning appeals received between 20th July and 20th September 2017.

10. MONMOUTHSHIRE LDP - ADOPTION OF SUSTAINABLE TOURISM ACCOMMODATION SUPPLEMENTARY PLANNING GUIDANCE

We received the results of the recent consultation exercise regarding the Draft Sustainable Tourism Accommodation Supplementary Planning Guidance (SPG) produced to provide further details of policies contained within the Monmouthshire Local Development Plan.

We resolved to endorse the Draft Sustainable Tourism Accommodation SPG (subject to the recommended amendments set out in Appendix 2 of the report) with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member for Enterprise accordingly.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd October, 2017 at 2.00 pm

11. MONMOUTHSHIRE LDP - ADOPTION OF RURAL CONVERSIONS TO A RESIDENTIAL OR TOURISM USE (POLICIES H4 & T2) SUPPLEMENTARY PLANNING GUIDANCE

We received the results of the recent consultation exercise regarding the Draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), produced to provide further details of policies contained within the Monmouthshire Local Development Plan.

We resolved to endorse the Draft Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) SPG (subject to the recommended amendments set out in Appendix 2 of the report) with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend it to the Cabinet Member for Enterprise accordingly.

The meeting ended at 4.40 pm.

This page is intentionally left blank

DC/2016/01219

SITING OF A TEMPORARY DWELLING FOR A RURAL ENTERPRISE WORKING TO ESTABLISHES A CALF REARING BUSINESS.

OAK TREE FARM, QUARRY ROAD, DEVAUDEN

OFFICER RECOMMENDATION: APPROVE
COMMITTEE RECOMMENDATION: REFUSE

Case Officer: Kate Young
Date Registered: 08/11/16:

1.0 APPLICATION DETAILS

1.1 This application was presented to members of Planning Committee at their meeting on the 3rd October 2017 with a recommendation for approval, that recommendation was not accepted and the application is now re-presented with reasons for refusal.

2.0 Reasons for Refusal

1. The siting of a temporary caravan for a rural enterprise worker, in this location is contrary to test c) in paragraph 4.6 of Planning Policy Wales Technical Advice Note 6 Planning for Sustainable Rural Communities (2010) as insufficient evidence that the proposed enterprise has been planned on a sound financial basis has been submitted. The submitted Business Plan is insufficiently robust and does not realistically reflect the likely costings and returns from the enterprise.

2. The proposal is contrary to test d) in paragraph 4.6 of TAN 6 as insufficient evidence has been produced to demonstrate a functional need that the enterprise worker needs to live on the site for the business to operate successfully. The temporary dwelling therefore represents inappropriate development in the countryside.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

1.1 The applicant wishes to develop a calf-rearing business. In order to do this she has brought a field which has planning permission for an agricultural building on it, and sited a mobile home, septic tank and provided a vehicular access into the site.

1.2 The applicant currently owns approximately 5.66 hectares (14 acres) of improved grassland. The applicant purchased the land in June 2016 and in addition to the freehold land she has agreed to rent a further 4 hectares (10 acres) under an open ended formal arrangement. The applicant has indicated that she could rent further land in the future if the business expands and becomes more successful. The enterprise will involve the rearing of bull carves from a week old to their slaughter at about 14 months. The calves will be reared in batches of approximately 25. The animals will initially be reared on milk and then weaned at approximately 16 weeks and will then be summer grazed. The calves will be purchased from local dairy farms. At about 14 months the animals will be slaughtered, butchered and jointed locally to produce finished meat products which will be retailed directly by the applicant at farmers markets and online. The applicant also intends to develop a mobile burger van.

1.3 It is believed that the applicant has already bought her first batch of calves and erected some hutches on the site but there was little evidence of this at a recent site visit. Ground works have been undertaken in preparation of erecting the approved agricultural building.

1.4 The applicant has assigned an independent advisor, APA consultants Ltd. to undertake an agricultural appraisal of the case which has been assessed by an external rural consultant on behalf of the Local Planning Authority.

2.0 RELEVANT PLANNING HISTORY

DC/2014/00858 - Construction of an agricultural building - Approved

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial Distribution of New Housing
S10 Rural Enterprise
S13 Landscape, Green Infrastructure and Natural Environment
S17 Place Making and Design.
S16 Transport

Development Management Policies

EP1 Amenity and Environmental Protection
DES1 General Design Considerations
RE3 Agricultural Diversification
LC1 New built Development in the Open Countryside
LC5 Protection and Enhancement of Landscape Character
NE1 Nature Conservation and Development
MV1 Proposed Development and Highway Considerations**.**

Other Considerations

Planning Policy Wales Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities (2010)

4.0 REPRESENTATIONS

4.1 Consultations Replies

Devauden Community Council – Refuse

Oak Tree is a very small farm and disputes the fact that the application is a viable agricultural proposition.

MCC Biodiversity and Ecology

Based on the information submitted with the application we have no objections prior to a planning decision. In consideration of the likely presence of ecologically sensitive habitats or species it is reasonable to expect no impacts upon biodiversity resulting from the proposals.

While we would typically seek some form of ecological enhancement in line with LDP policy, given the mobile home is already placed in the field and in light of the temporary nature of the application no such requests are considered appropriate in these circumstances.
Aside of the application I note that the land is located between two units of the Cobblers Plain Meadow SSSI. I would encourage the applicant to consider the diversity of grassland within the application area in their farming practice. The Gwent Wildlife Trust and Monmouthshire Meadows may be a source of information in this regard.

MCC Landscape

This site is located along the Devauden escarpment, a unique landform feature stretching across the southern part of the county. This area has a high scenic quality and unspoilt character and is regarded as having high and outstanding landscape and amenity value: this designation should be material in the decision making process.

We would consider the introduction of a mobile home as incongruous development within an important and valued landscape, and contrary to Policy LC5. The scheme does not respect the character of the surrounding landscape and has not demonstrated though a landscape assessment how landscape character has influenced the design, scale, nature and site selection. By way of comparison, the introduction of a rural dwelling (in this location) would need to take into account the character of the area and include locally distinctive design solutions to meet requirements set out in Policies LC1, LC4 & LC5 - Material choice and landscape mitigation would be an obvious consideration.

However, given the temporary nature of the proposal and if an adequate landscape planting scheme is proposed, its overall impact on landscape and visual amenity will only be slight adverse and its effect on the Wye Valley AONB moderate/slight adverse.

We consider the introduction of a mobile home as an incongruous development within an important and valued landscape. However, given the temporary nature of this proposal and if an adequate planting scheme is proposed, its overall impact on the landscape and visual amenity would be slight adverse and its effect on the AONB would be moderate/ slight adverse. If it is proposed to approve the proposal, conditions are recommended

MCC Planning Policy

I refer to the above application for the siting of a temporary rural workers dwelling for a period of three years at Oak Tree Farm, Old Quarry Road, Devauden. It is noted that this relates to a 6 x 8.5m mobile home.

Strategic Policies S1 and S10 relating to the spatial distribution of new housing provision and rural enterprise respectively, are of relevance.

The proposal is located within the open countryside where residential development would not be appropriate unless justified for the purposes of agricultural/forestry, rural enterprise dwellings or one planet development in accordance with TAN6.

While the proposal is for a mobile home, it is assumed that the development is intended as a precursor for establishing a permanent dwelling should the need be established, in which case similar considerations apply regarding the principle of residential development in this location. In this respect, Policy LC1 states there is a presumption against new built development in the open countryside unless justified under national

planning policy and/or LDP policies S10,RE3, RE4, RE5, RE6, T2 and T3 for the purposes of those listed above. Policy LC1 also provides a number of criteria that must be met in the exceptional circumstances listed, these should be carefully considered in the context of this application.

National Planning Policy Guidance must be referred to in relation to rural enterprise dwellings to determine whether the proposal satisfies the criteria. Firstly it would have to be considered whether the proposal falls into one of the categories listed in Section 4.3 of TAN6 Planning for Sustainable Rural Communities. As a point of clarity it is noted the Assessment of Essential Need for a Dwelling for a Rural Worker refers to English Planning Policy Guidance rather than the Welsh Government Guidance set out in TAN6. It is noted an Agricultural Appraisal has been undertaken on behalf of the Council and suggests some of the required tests are not satisfied and that further evidence is required. This is necessary in order to determine whether the proposal fully satisfies criteria set out in TAN6.

Whilst it is referred to in the Covering Letter, Policy RE4 is not applicable in this instance as the proposal relates to a form of residential development which is not intended to be included in the context of this policy.

Policy LC5 relating to the protection and enhancement of landscape character must also be considered, along with, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

4.2 Neighbour Notification

Letters of objection received from 3 addresses

- Caravan erected before planning permission was sought
- Set a precedent
- Applicant's previous ventures have failed
- 125 beef cattle on 14 acers is not sustainable
- Promise of additional land is unreliable
- Renting land is expensive
- Applicant could have invested in her land in Dorset
- Other more suitable sites are available
- Poor Access
- Temporary dwelling will be replaced by a permanent one
- Contrary to Development Plan Policy
- Visually harmful to surrounding countryside
- Damaging the adjacent SSSI's
- Septic tank, electricity, borehole and phone connection has already been installed
- Damaging to tourism
- Intrusive in the landscape
- Contrary to the advice in TAN 6
- New enterprise is being created to justify a new dwelling
- There is nothing at this location that makes it especially suitable for this enterprise.
- The business could be established on any parcel of land
- Other more suitable sites are available locally
- No clear evidence that this is a sound financial venture
- Previous enterprises by the applicant have failed
- No evidence that a full time worker is needed to live on site
- The functional need could be met by other accommodation locally

- No case for a permanent dwelling has been made
- The site is visually prominent
- Enterprise is not of sufficient scale to justify a new residential property
- The caravan and hutches are an eyesore on the landscape
- Effects the setting of the adjacent Listed Building
- Contrary to LDP policy LC5
- Evidence for this location is not compelling
- Sloping site poor access means this is not an ideal site
- Lack of genuine business evidence
- The borehole may deplete water supply to adjoining land
- The cattle need to inspected twice a day and does not need for someone to live with the cattle
- Anyone with a few acres of land could build a house
- Land is clay and too wet for cattle
- Cattle will have to be housed indoors and this is not good for their health
- TAN 6 discourages development in the open countryside
- The land is being desecrated
- Planning permission for the barn was improperly transferred
- A massive cliff has been built into steeply sloping land
- Soil and rocks have been dumped
- Diminishing the amount of land for the cattle to graze to 3 acres
- Access to the site is not suitable for transporting cattle and fodder
- Previous planning permission was granted for a householder extension due to poor access
- Damage to public roads and private driveways
- Applicant has no responsibility to maintain the drive way.
- Negative impact on adjoining tourist enterprise
- Land is not suitable for the proposed enterprise.

4.3 Other Representations

Wye Valley Protection Group - Object
Woodland should be recreated in this area
The AONB should be extended into this area
Muck heaps too close to dwellings

Fox Rural – Planning and Land Management Consultants
ESSENTIAL NEED APPRAISAL -
Monmouthshire's Local Development Plan under New Housing in the Countryside refers to Planning Policy Wales, and Technical Advice Note 6, as reason as to not providing detailed policy with regard to proposals for new dwellings in the open countryside, and that they should be referred to accordingly.
Planning Policy Wales (Version 7). In 9.3.6 of Chapter 9 – Housing, it clearly states that special justification is required for a new isolated house in the open countryside and refer to the example of "where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation". The policy states that local authorities should refer to Technical Advice Note 6 (TAN 6), when it comes to appraising the requirements for rural enterprise dwelling appraisals.
Technical Advice Note 6 There was confusion in the beginning as to whether this was an application relating to an established enterprise or a new enterprise I am happy to look at this application as a new dwelling on a new enterprise and assess the proposal in accordance with criteria to be satisfied as listed in 4.6 of TAN6.

Firm Intention and Ability. If the intention and ability to undertake/develop the enterprises as proposed, are not fully present then there cannot be considered essential need for a temporary dwelling. I am not in a position to question in detail the applicant's intention, however the applicant's personal ability to develop the enterprise into a viable business must be qualified to an extent by the anecdotal information that the council must be aware of, that that the previous business involving a similar enterprise failed financially. There are also questions to be answered with regard practicalities involving land availability and facilities and the ability to develop the enterprise. The first is the financial ability to meet the cost of the new building as per the extant permission. The frame and roof and concreted floor alone would cost in excess of £80,000 before walling and gates etc. I cannot see this having been taken into account in the budget for instance. The other issue is the availability of the 'rented' land. I understand that the land referred to is not occupied by the applicant and is in fact for sale. It is therefore not readily available which raises serious doubts as to the potential number of cattle that could feasibly be reared here. This would have consequences in assessing the functional need and of course the financial picture. Even if the land was occupied on an informal arrangement as we are told, then in a short space of time, the acreage of land on which the enterprise is dependent may be reduced dramatically and consequently the stock numbers would decrease with the same conclusion. The lack of other long term land in addition to the owned acreage is even more of an issue considering the owned land is understood to be steep and poorly drained and thereby further limiting the potential stocking rate. The ability of the owned land to withstand the proposed stocking does not appear to have been dealt with anywhere in the application or within subsequent correspondence.

Proposed location. The obvious point to make here is that a more sustainable location could have been sought i.e. an established fully equipped farm which could have been bought or rented with an appropriate acreage of long term available land.

Planned on a sound financial basis. The budget and accompanying information relates to a system that is a low input and that produces a light weight c330 kg bull at 12-14 months, which is shown to be returning an output of £800 per animal. There are no accompanying notes to justify or at least identify the source of the budget figures used. For the applicant to be able to sell the animals for this return i.e. c £2.40 per kilo live weight which is very high, they need to be slaughtered, processed, and sold as meat products direct to the public. We are informed that the products will be sold as such via farmers markets, on line and via a mobile burger van. Although it should be noted that there is no reference to the purchase of refrigeration equipment or indeed a mobile van. There is referral to a business plan which I have not seen, but if the budget is to be taken as material to the proposal having been planned on a sound financial basis, then it would need to be accompanied by sound market research and feasibility study to justify the output figure which is based on a niche product. The council need to be confident that the vast majority of the 125 animals reared will be processed and sold in this way otherwise the enterprise would potentially be considered unviable and have no future. There is no evidence such as contracts or letters from a customer base committing to purchases in the future. It might have helped for instance to have seen evidence from the past business in Dorset. I have seen no evidence to support the proposed output figures which is unusual.

In the absence of sufficient justification then one would have to consider the scenario of the bulls being sold through a marketing group or meat company where the value would likely to be nearer to £1.50 per kg live weight ie £500. This would equate to an output of £22K and a profit (based on the budget costs) of c£8K which would not support a full time worker.

There are no accompanying notes to justify the figures used. The quarterly cash flow spread sheet provided later by APA Consultants again raises a number issues. Unhelpfully again there are no accompanying notes as to the source of the figures. Importantly, as with the budget there, no allowance has been made for the cost of the proposed infrastructure e.g. the proposed building and electricity supply. This is common

practice, and essential to enable any weight to be attached to the budgeted profit and loss assessment.

Functional Need. The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night e.g. calving cows. The majority of the husbandry duties involving cattle would be routine such as handling, sorting, feeding, checking, and treating, which in any case would be carried out during the working day, with a check first and last thing. When a batch of fresh calves arrive then they should be closely monitored for complications such as scours or onset of symptoms of pneumonia for the first day or two. Once settled in although there will likely be health issues that arise, these would be able to be picked up at the end of the day, and if necessary a planned check or treatment during the night might be necessary on very rare occasion. The level of care required for this enterprise falls a long way short of requiring there to be somebody permanently based on site compared with say an all year round calving herd of milking cows. A touring caravan sited close to the buildings would suffice in case an overnight stay is required, however such a requirement is likely to be few and far between. The siting of the caravan would probably be able to be catered for under Part 5 (Class A) of Schedule 2 to the GPDO.

Other dwellings - A dwelling within an easy commute would in my opinion be adequate to cover any functional need requirement. No case has been made as far as I am aware, that no such dwellings are available.

Conclusion - In consideration of 4.6 of TAN6 there is no essential need for a rural enterprise dwelling.

4.4 Letter of Support

I have known Judi James for several years as a client calf rearing in Dorset. Judi was carrying out the highly valuable task of taking the (generally unwanted) male calves out of the dairy farms and rearing them for rose veal (young beef). This requires exemplary husbandry and attention to detail and Judi was able to achieve very high standards of welfare rearing calves in spacious housing on straw with milk and concentrates.

Judi is an extremely good farmer and sets herself high standards; she has battled the difficulties of being a 'late entrant' to agriculture but has accrued a high level of knowledge, both of animal husbandry and business. She is exactly the kind of entrepreneur that, in my opinion, we should be encouraging. Whilst when in Dorset Judi was not able to live on site I know this was a constant frustration for her creating extra hardship in an already difficult job as well as the fact that she could not be overseeing her calves 24/7. For a farmer, someone living on site should be considered more than a luxury, if not essential; even more so when the animals involved are young.

<u>Richard Anstis – Agricultural Consultant acting for MCC Planning</u>

<u>Supplementary Agricultural Appraisal Received 21/04/17</u>

4.6.1a requires clear evidence of a firm intention and ability to develop the enterprise. Here the past record may have assisted, but no meaningful evidence is submitted, except by reference. Certainly though, the past experience of the applicant is potentially helpful in terms of answering the 'ability' test. The land is owned and is potentially sufficient for the enterprise, but no account can be made of the insecure land. Investment has been made, but it is not clear how the permitted building, or the first period of the business start-up will be financed. This test is not satisfied. This has now been sufficiently clarified and the test is satisfied.

4.6.1b requires clear evidence that the new enterprise needs to be established here at the proposed location. Further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed.

4.6.1c requires clear evidence of being planned on a sound financial basis. This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight. Some clarification has now been given and although there remain concerns whether the expected returns will materialise, I am now satisfied that the enterprise is at least planned on a sound financial basis and the actual profitability can be tested during the three year temporary consent period.

No meaningful evidence is provided to show how the business will survive this first period, especially constructing the building. This is now provided. There remain concerns, but the planning of the business model is sufficiently sound. If it is from private capital being introduced (£10,000 is shown as carried forward, but with no explanation, since this is presented as a new enterprise) then this should be stated. If it is carried forward from the earlier iteration of the enterprise in Dorset, then that enterprise needs to be presented with the evidence. The further evidence raises more questions than it answers and the test is not passed. Following the submission of additional information, the test is now passed.

4.6.1d requires a clearly established functional need that relates to a full time worker. Of course the labour required to fully employ a worker does not necessarily show a clearly established functional need for that worker to remain on site. In this case, the labour test is met, in that there will be sufficient work to fully employ a worker. The number of calves and maturing cattle planned is likely to require a permanent on-site presence.

4.6.1f requires that other normal planning requirements are satisfied. The mobile home is already in place and is appropriately positioned and sized.

Supplementary Agricultural Appraisal Received December 2016 (the conclusions are superseded by the more recent comments, above)

1.0 INTRODUCTION
1.1 Judi James has applied to Monmouthshire County Council for “the siting of a temporary rural worker’s dwelling” on land known as Oak Tree Farm, Devauden, Monmouthshire. The D&A Statement confirms that the application is a full application for a temporary dwelling in the form of a 6 x 8.5m (51sqm) mobile home, but the application is therefore for the temporary use of land for the siting of a mobile home. In fact, the applicant confirms that the mobile home is already on site and occupied by her, so the assessment is made as if this were a retrospective application.
1.2 Further evidence has been submitted since the first assessment in November 2016 and this Supplementary Assessment addresses that further evidence.
2.0 DETAILS OF THE HOLDING
2.1 Location
2.1.1 The site is in a rural location, approximately 1.5 miles south of Devauden.
2.2 Tenure

2.2.1 The holding extends to 14 acres of owned land, owned by the applicant, with a further 10 acres of land stated as potentially available on an insecure basis (and therefore largely ignored in this assessment).

2.3 Buildings

2.3.1 There are no existing buildings, but permission is granted for a 510sqm livestock building under 2014/00858. The applicant relies on the future placing of at least 6 calf hutches on the land, as temporary structures on skids and it has been assumed for this assessment that permission would be granted or not required for those hutches.

2.4 Dwellings

2.4.1 The applicant lives in the mobile home on site and has no other dwelling. There are no other dwellings on the site.

2.5 Land

2.5.1 The owned land is set to pasture. After allowing for the proposed building, the temporary dwelling, calf hutches and access tracks, the remaining available and secure pasture is a little over 13 acres

2.6 Enterprises

2.6.1 The applicant ran a veal enterprise in West Dorset for 7-8 years before switching (at that location) to a very similar enterprise as the proposed, albeit with more ad-hoc numbers, for 2-3 years prior to moving to the assessed site. Riverside Young Beef was created when that switch was made whilst still in Dorset, but the subsequent Young Beef enterprise was not profitable. The rented house occupied then by the applicant was 5 miles from the site, on land owned by her, but using buildings also rented and the applicant has stated that in part this and the lack of available land contributed to the lack of profitability and success of the latter enterprise. The reasons for moving to the existing site were as follows:

Because the house was taken back, the abattoir (used by Tesco) was moved, the access to the motorway network (to explore NHS and other contracts for young beef) from the existing site is good, the financial constraints of buying or renting land with a building and with a dwelling were prohibitive and the insecurities of renting again were a concern.

2.6.2 It is clear that the earlier enterprise was not at an advanced enough stage to be considered as a foundation for this proposed enterprise, which is now assessed as a 'new enterprise'. The central principle to the proposed enterprise is to use very low cost calves, being bull calves produced as a bi-product of the dairy industry (mainly non-Friesians because they now attract a premium), house them from birth (or from 1 week) in hutches, wean them at 16 weeks, then put them to pasture, then house them in the proposed building at 40 weeks until 56 weeks for slaughter. 5 batches of 25 per year are proposed and adequate details given on how these batches would be divided to best use the building and leave sufficient room for other storage requirements.

3.0 FUNCTIONAL & FINANCIAL TESTS

3.1 The enterprise qualifies for the purposes of 4.3.2 of TAN6.

3.2 An enterprise has existed for more than three years (begun around 2006), but in a different location and it is accepted that the proposal is not an established enterprise.

3.3 The principle tests for this application for a (temporary) new dwelling on a new enterprise are primarily set out 4.6 of TAN6. The tests under 4.4 of TAN 6 (for established enterprises) were examined under the earlier assessment and were not satisfied.

3.4 4.6.1a requires clear evidence of a firm intention and ability to develop the enterprise. Here the past record may have assisted, but no meaningful evidence is submitted, except by reference. Certainly though, the past experience of the applicant is potentially helpful in terms of answering the 'ability' test. The land is owned and is potentially sufficient for the enterprise, but no account can be made of the insecure land. Investment has been made, but it is not clear how the permitted building, or the first period of the business start-up will be financed. This test is not satisfied.

3.5 4.6.1b requires clear evidence that the new enterprise needs to be established here at the proposed location. Further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed.

3.6 4.6.1c requires clear evidence of being planned on a sound financial basis. This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight.

3.7 No meaningful evidence is provided to show how the business will survive this first period, especially constructing the building. If it is from private capital being introduced (£10,000 is shown as carried forward, but with no explanation, since this is presented as a new enterprise) then this should be stated. If it is carried forward from the earlier iteration of the enterprise in Dorset, then that enterprise needs to be presented with the evidence. The further evidence raises more questions than it answers and the test is not passed.

3.8 4.6.1d requires a clearly established functional need that relates to a full time worker. Of course the labour required to fully employ a worker does not necessarily show a clearly established functional need for that worker to remain on site. In this case, the labour test is met, in that there will be sufficient work to fully employ a worker. The number of calves and maturing cattle planned is likely to require a permanent on-site presence.

3.9 4.6.1f requires that other normal planning requirements are satisfied. The mobile home is already in place and is appropriately positioned and sized.

4.0 CONCLUSION

4.1 Some of the required tests are not satisfied.

5.0 EVALUATION

5.1 <u>Justification for a Rural Enterprise Dwelling in this location.</u>

5.1.1 Policy S1 of the adopted Local Development Plan only allows for the erection of new residential dwellings in the open countryside in exceptional circumstances. One of these exceptional circumstances is where the dwelling is necessary for agriculture, forestry or other appropriate rural enterprises in accordance with TAN 6. Planning for Sustainable Rural Communities, Paragraph 4.3 of Tan 6 states that:

"One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence."

5.1.2 This application seeks consent for the siting of a mobile home at the site to establish the new business. There has been some debate as to whether this application is seeking a

new dwelling on an established rural enterprise under paragraph 4.4 of the TAN or a new dwelling on a new enterprise under paragraph 4.6. Although the applicant has experience of running this type of enterprise in England, that earlier enterprise was not at an advanced enough stage to be considered as a foundation for this proposed enterprise, which is now being assessed as a 'new enterprise'.

5.1.3 TAN 6 says that rural enterprise dwellings include a new dwelling on a new rural enterprise where there is a functional need for a full time worker. In these circumstances it must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. Paragraph 4.6.1 then lists the criteria that should be satisfied. These are:
a) clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions);
b) clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available;
c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
d). there is a clearly established functional need and that need relates to a full-time worker, and does not relate to a part-time requirement;
e). the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and
if other normal planning requirements, for example siting and access, are satisfied.

5.1.4 With regard to criteria a) it is considered that the applicant has demonstrated a clear intention to establish the business and the application seeks to allow for the siting of a caravan to establish the enterprise. The applicant has acquired some calves and erected mobile hutches for the site. In addition she has invested a considerable sum in locating the caravan, connecting to services, installing a septic tank and borehole. The applicant has also brought the 14 acres of land. The agricultural building which was granted permission in 2014 is currently under construction. On balance, it is considered that there is an intention to develop the new rural enterprise.

5.1.5 Paragraph 6.8 of the Practice Guidance for TAN6 says that "the policy in respect of new rural enterprises requires the inherent suitability of the site for the new enterprise to be tested and that clear evidence will be required in respect of site selection and the reason why the enterprise could not be accommodated on an alternative suitable site where an existing dwelling is available." The applicant says that she is unable to afford to buy a farm with a dwelling attached and that it is too expensive for her to rent a property. She says that she has failed to obtain a council farm. She maintains that after a long search this was the only property she had found that was in close proximity to the motorway network. The agent acting on her behalf says that the applicant had made an extensive effort to secure a suitable premises but does not have the capital resources to buy land with a dwelling attached. Richard Anstis considers that "further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed." The important matter to consider here, according to TAN 6, is not whether the applicant can afford to buy an existing farm but whether the business model proposed can afford it. The applicant does own several other properties which she rents out, elsewhere in the country, and these could be sold to finance the buying of a farm with a dwelling attached. However the tests in TAN 6 requires that the business model proposed can afford to provide the dwelling. This calf rearing business is marginal in terms of profitability so that the enterprise itself could not sustain the

purchase of a farm with available accommodation, regardless of the applicant's own personal circumstances. This enterprise could only survive if it was established without the cost of having first to buy an established dwelling (even a property restricted in price by the imposition of an agricultural workers tie.) The applicant has provided evidence why the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available. This information has been assessed by the rural consultant Richard Anstis and it is considered that criterion b) of paragraph 4.6.1 of TAN 6 is met.

5.1.6 Although the applicant's intention to establish a business in this location is clear, what is not evident is the ability of the applicant to make a success of the business given past record. There are concerns as to whether there is "clear evidence" of that ability.
Criterion c) of paragraph 4.6.1 of TAN 6 outlines that there needs to be clear evidence that the proposed enterprise has been planned on a sound financial basis. The agricultural consultant, Richard Anstis considered the details of the business plan and he concludes that: "This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight. Some clarification has now been given and although there remain concerns whether the expected returns will materialise, I am now satisfied that the enterprise is at least planned on a sound financial basis and the actual profitability can be tested during the three year temporary consent period ".

It is recognised that the expected returns for the sale of the calves as outlined by the applicant, are optimistic. It is suggested that all of the calves would have to be processed and sold as meat products direct to the public (in the form of farmers' markets, on line and via a mobile burger bar). There is a question over how realistic this is and if this is the case investment would have to be made in the processing and refrigeration of the meat and this has not been reflected in start up costs. In reality it is likely that a proportion of the meat will be sold through marketing groups and will therefore result in a lower return. The Council's rural business consultant has outlined that the case is marginal but it is considered that the business could be successful. The advice given in TAN 6 is that if there is no clear evidence that the business would be successful permission could be granted for a temporary permission to give the applicant time to prove that the business could be viable. Evidence in this case is marginal but the advice from TAN 6 is to give the applicant the benefit of the doubt in order to encourage the establishment of new rural enterprises. Paragraph 4.6.2 clearly outlines that "*Where the case is not completely proven for a dwelling permission should not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed. If such a permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraphs 4.4.1 or 4.6.1 are met. The planning authority should make clear in planning conditions the period for which the temporary permission is granted and that the temporary dwelling will have to be removed when that period expires."* TAN 6 aims to support and develop rural enterprises and on balance it is considered acceptable to allow a temporary consent for the siting of a mobile home in this location to give the enterprise the opportunity to establish. If the

business was unsuccessful then the caravan could be removed from site and this would be a condition of any consent.

5.1.7 It appears that the enterprise could make sufficient profit to employ a full time worker. The applicant is proposing to invest private capital obtained from her previous operations in Dorset to establish the business during the first year, including the cost of constructing the agricultural building. The applicant needs to demonstrate that there was a functional need and sufficient work for a full time worker. Initially the Council's consultant, Richard Anstis, considered that it was not necessary for the worker to be living permanently on site and correspondence received from the local farming community suggests that it may be possible for the worker to live off site and visit the herd once or twice a day to ensure its well-being. In a later submission, however, the Council's consultant states that he now considers that the number of calves and maturing cattle planned is likely to require an on-site presence. On the basis of the evidence provided and on the advice given by our expert advisor, it is considered that there is a functional need for a worker to be onsite and that criterion d) is met.

5.1.8 Criterion e) outline that it needs to be demonstrated that the functional need for a full time on site worker could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned. This test is similar to that required in criterion (b) and many of the issues overlap. There are no other buildings within the 14 acre holding that could be converted into residential accommodation. The applicant then needs to show that they have considered if there is other existing accommodation in the locality which is suitable and available for occupation by the applicant. The applicant has outlined that they have explored the availability of other properties either to buy or to rent but she could not afford to do so. The business model could not support the purchase of a new dwelling as the profit margins are too low. The personal circumstances of the applicant are such that she could sell her existing properties to fund the purchase of an existing dwelling close to her enterprise. However as outlined above, TAN 6 requires that *the business model proposed* can afford to provide the dwelling. This calf rearing business is marginal in terms of profitability so that the new enterprise itself could not sustain the purchase of a farm with available accommodation, regardless of the applicant's own personal circumstances.

5.1.9 The Council's agricultural consultant has reviewed the proposal in detail and following lengthy discussions considers that the tests within TAN paragraph 4.6.1 are met. He has outlined that this is a marginal case and although the tests are met the viability of the business would have to be tested over time. It is recognised by officers that this is a marginal case and that if the application was to seek a permanent residential unit at the site it would be refused. However the application is for the siting of a mobile caravan to establish a new rural enterprise. Paragraph 4.6.2 of TAN 6 suggests that a period of three years is normally appropriate to ensure that the circumstances are fully assessed to see if the criteria in paragraph 4.6.1 are properly met. In this case the financial viability of the enterprise has not been completely proven and the figures that have been presented are optimistic. TAN 6 looks to support the establishment of rural enterprises and as such it is considered appropriate to grant a temporary permission to allow the applicant to set up the business and see if it can support a full time worker. The situation could then be reviewed at the end of three years and if the business was not complying with the criteria of paragraph 4.6.1 of TAN 6 then the mobile home would need to be removed. This would be secured by a detailed condition. An informative would need to be included on the decision note detailing the requirements that would be needed to be proven to allow for the granting of a permanent dwelling.

The applicant is applying for a mobile home to be sited at the site and although the soundness of the business model is marginal in nature the policy framework in relation to rural enterprises allows for enterprises to attempt to become established by allowing a temporary caravan at the site. On balance given the support for this type of development within TAN 6 it is considered that the principle of siting the caravan at the site would be acceptable. Richard Anstis considers the tests to be met and paragraph 4.6.2 of TAN 6 clearly outlines that rural enterprises should be given the opportunity to become successful.

5.2 Visual Impact, including impact on the natural beauty of the Wye Valley AONB

5.2.1 TAN 6 makes it clear that applications for rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. Policy LC1 of the LDP states that there is a presumption against new built development in the open countryside unless it can be justified as a rural enterprise dwelling. The criteria of policy LC1 would also have to be met and these state:
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.

5.2.2 The caravan is sited on the side of the Devauden Escarpment. This area has high scenic quality, and it is regarded as having high and outstanding landscape and amenity value. MCC's Landscape & Urban Design Officer considered that the introduction of a mobile home in this location to be an incongruous development within an important and valued landscape. The applicants have not demonstrated through a landscape assessment how the landscape character has influenced the design, scale, nature and site selection. However, given the temporary nature of the proposal and if adequate landscaping planting is imposed by condition, the overall impact of the caravan on the landscape and visual amenity of the area will be 'slight adverse' and its effect on the Wye Valley AONB would be moderate/slight adverse.

5.2.3 The caravan is sited at the lower level on the land. If it was positioned higher up it would be more visually prominent. It is located close to where the large agricultural barn already has permission. The site is relatively close to Ty Mawr Farm House which is a Grade II listed building. Given the larger intervening agricultural building that has been approved and the fact the mobile home is some distance from the farmhouse it is not considered to detract from the setting of the listed farm house. The mobile home is white in colour and is of a standard size. The Council's Landscape officer has reviewed the proposed development and does not considered that the caravan would have such a significantly adverse impact on the character and appearance of the landscape to warrant refusing the application. The Landscape Officer has outlined that a detailed landscaping scheme would mitigate for the visual appearance of the caravan and a landscaping condition would be added to any consent. It is not considered appropriate to ask for an alternative caravan model for this temporary period. The temporary siting of the caravan would not significantly adversely affect the rural character of the area. It would be located appropriately near the existing farm building and would be viewed to be part of the rural enterprise. The proposed siting of a caravan in this context is considered to be justified (as outlined in 5.1) and would be in accordance with the requirements of Policy LC1 and LC5 of the LDP.

5.2.4 Policy LC4 of the LDP requires all development within the Wye Valley AONB to be subservient to the primary purpose of conserving and enhancing the natural beauty of the area. It is true that rural enterprises are an important feature of the Wye Valley and that a farming enterprise is compatible with the overall character of the area. Although a mobile home is generally an incongruous feature it is only intended for a temporary period until the farming enterprise has been established. It is important that a comprehensive landscaping scheme is implemented. The proposal will not generate high levels of traffic movement and will only have minimal impact on nature conservation interests. Therefore on balance it is considered that the establishing of a rural enterprise in this location, with its attendant temporary mobile home would broadly comply with the objectives of Policy LC4 of the LDP

5.3 Highway Considerations

5.3.1 The traffic flows generated by the enterprise are relatively low and are no of concern to the Council. The increase in traffic could be accommodated on the local highway network.

5.4 Economic considerations

5.4.1 The enterprise would employ one full time worker

5.5 Other issues raised

5.5.1 The application site is located between two units of the Cobblers Plain Meadow SSSI. However the proposal will have little impact on these designations given that the land can already be grazed by livestock. The sinking of a borehole would require a licence from NRW.

5.6 Response to the Community Council's objection

5.6.1 This has been addressed in section 5.1 above.

5.7 Conclusion

5.7.1 It is acknowledged that the soundness of business case for establishing a calf rearing enterprise in this location is finely balanced, but the advice given in TAN 6 is that where the case is not completely proven for an enterprise dwelling, it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period to offer the applicant the opportunity to establish the business. Given the support for this type of development within TAN 6 it is considered that the principle of siting the caravan here would be acceptable. The Council's rural business consultant considers the tests to be met and paragraph 4.6.2 of TAN 6 clearly outlines that rural enterprises should be given the opportunity to develop into successful businesses.

6.0 RECOMMENDATION: APPROVE

Conditions:

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

2. Within three months of the date of this approval a scheme of hard and soft landscaping shall be submitted for the approval of the Local Planning Authority. The scheme shall

include a) details of all existing trees and hedgerows on the land; b) details of any existing landscape features to be retained, together with measures for their protection in the course of development; c) a specification of hard surface materials; d) details of the means of enclosure; e) a planting plan (species/sizes/densities); f) details of minor artefacts and structures (e.g. refuse or other storage units, signs and lighting) and. g) a maintenance schedule for landscape planting, for a minimum period of three years. The matters specified in a) – f) shall be carried out in accordance with the approved details within the first planting season following the approval of the scheme by the local planning authority. The planting shall be maintained in accordance with the approved maintenance schedule for a minimum of three years from the time it is implemented.
REASON: In the interest of visual amenity and the character and appearance of Monmouthshire's unique and special landscape and the Wye Valley AONB, and in accordance with POLICIES LC1, LC4 & DES1

3. When the temporary mobile home, hereby approved, ceases to be occupied by the applicant, Ms Judi James, or after a period of 3 years from this permission being granted, whichever is the earlier, the use hereby permitted shall cease and the mobile home, structures, materials and equipment brought onto the land in connection with the temporary accommodation shall be removed and not brought back onto site. Within 12 months of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the LPA.
REASON: In the interests of visual and landscape amenity and in accordance with POLICIES LC1, LC4 & LC5.

Informatives:

At the end of the three year period the applicant must demonstrate that that all of the criteria in paragraphs 4.4.1 or 4.6.1 of TAN 6 have been satisfied. It must be demonstrated that the enterprise is profitable and that it is able to support a full time worker.

An appropriate landscape and visual impact appraisal would be required to support a permanent rural dwelling application.

DC/2016/01308

REDEVELOPMENT OF SITE IN A PHASED MANNER TO PROVIDE TWO DWELLINGS; ONE PRIOR TO AND ONE POST DEMOLITION OF THE EXISTING DWELLING

BRIDGE HOUSE, PWLLMEYRIC, NP16 6LF

Case Officer: David Wong
Registered: 19/01/2017

1.0 APPLICATION DETAILS

1.1 Bridge House is situated within the Village Development Boundary of Pwllmeyric, as identified on the Proposals Map of the Local Development Plan (LDP). Pwllmeyric is categorised as a Main Village within the LDP. Bridge House is a two storey property and has a white render finish. It is currently situated close to the highway, the A48. The site is adjacent to the Mounton Brook and is identified as being in a Flood Zone C2. TAN15 advises that within Zone C2 of the Development Advice Map (DAM), highly vulnerable development should not be permitted.

1.2 The application seeks the demolition of the property and for the erection of two detached, two-storey dwellings. It is useful to note that one of the dwellings under this application is the replacement dwelling which was already granted planning permission under DC/2016/00061. Therefore, this proposal is the creation of one additional unit on site.

1.3 The proposed dwellings would be set back from the frontage of the site, providing on-site turning and parking provision for each of the dwellings. It is proposed to shift the access to the east as an improvement on the existing arrangement. There will be at least three on-site parking spaces for each of the dwellings. The external walls of these dwellings would be finished in a mix of reconstructed stone and multi bricks. Slate roofing is proposed with uPVC windows and doors. Following negotiation with the agent, the overall dimensions of the proposed dwellings have been reduced and they now measure 15.2m in depth (13.3m excluding the gable projection) 10m in width and 9.3m to the ridge of the roof. A road elevation is submitted to demonstrate that these dwellings will maintain the visual hierarchy among the neighbouring dwellings.

1.4 An ecological survey was submitted as part of the application to allow Natural Resources Wales and the Council's Ecologist to assess the building and its potential for protected species. The consultees' advice is that the information submitted is sufficient to inform the planning decision and conditions are required. The site is within a Flood Zone C2 and a Flood Risk study was submitted as part of the application.

2.0 RELEVANT PLANNING HISTORY

DC/2016/00061 - Redevelopment of site following demolition of existing house to provide one dwelling and engineering works to improve flood safety. Approved 30/09/2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies
S1 – Spatial distribution of new housing provision
S4 – Affordable Housing Provision
S12 – Efficient Resource Use and Flood Risk

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

Development Management Policies
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
H2 – Residential Development in Main Villages
MV1 – Proposed Development and Highway Considerations
NE1 – Nature conservation and development
SD2 – Sustainable Construction and Energy Efficiency
SD3 – Flood Risk

4.0 REPRESENTATIONS

4.1 Consultation Responses

Mathern Community Council: Refuse: The proposal represents overdevelopment and is too congested for the site. The two houses would also generate additional traffic joining the A48 at a very dangerous point. I also believe that the elevations have been downgraded on the new drawing. We would suggest refusal.

Welsh Water: No objection. It is advised that the proposed site is crossed by two public sewers and no operational development shall be carried out within 3m either side of the 150mm public sewer and 5m either side of the centreline of the 400mm public sewer. Also, conditions and advisory notes suggested.

MCC Ecologist – the information submitted is sufficient to inform the planning decision. Considering the report's recommendation that a licence is not required and the representations from myself and NRW that a licence is indeed required I would request that a license condition remains on the new application as per the previous consent. However, if you are unable to impose the same condition due to the replication of other legislation then please use the alternative condition which is provided below the licence condition on my response.

MCC Highway Officer – The principle of the application for two dwellings is supported at this location. The application is proposed to provide nine parking places, four of which will be within the two double garages and the remaining five adjacent to the access and turning area.
It is paramount for highway safety, that this turning area is available at all times for vehicles to be able to enter and exit the site in forward motion. This would be best served with the five spaces clearly marked out to encourage their use.
Access to the site from the A48 is at the lowest point on the highway, and the proposed improved access must take into consideration of this fact with engineering the access so highway surface water is retained within the highway and no egress onto the proposed new access. This is likely to require the reduced width of the excessively large access point. This must be reduced to a width of 5m maximum.
Drainage of the access and driveway is proposed to discharge into an existing soakaway. It is not clear where the soakaway is located, and therefore subject to it being 5m from the highway, I would offer no adverse comment.
It would appear that the gateway is supported by an electric gated system. This should be set back 5 metres off the carriageway to support vehicles being off highway when gates are activated.

The level of the driveway has been risen in conjunction with the proposal and this level would improve the gradient for access/ egress and offer a safer point of access for the users. Subject to the above being addressed, I would support the proposal.

SEWBReC Search Results – there are some ecological records identified in close proximity of the site.

Natural Resources Wales – Our significant concerns have been addressed and we do not object to the planning application. Our advice is the FCA has satisfactorily demonstrated that there is likely to be sufficient flood storage upstream of the proposed development site (as indicated on page 4 of the FCA) and, that flood waters are not predicted to overtop the existing riverbank (left bank looking downstream) with a blockage scenario on the existing A48 bridge. This will remove the likelihood of the overland flood flow developing during an extreme 0.1% (1 in 1000 year) event which has previously been established in earlier FCAs to affect the site in question. The reason for this is there is sufficient and natural floodplain storage upstream of the A48 bridge that will accommodate such extreme flows and will reduce the impacts of flooding at the bridge and the proposed development site. Therefore our advice is that the site would be flood free in the predicted 1% plus climate change and 0.1% flood events, in line with the criteria set out in A1.14 and A1.15. We also advise that there is not likely to be an increase in flooding elsewhere post development.

4.2 Neighbour Consultation Responses

One representation of support from the neighbour at the dwelling Wenvoe – I have no objections to the plans and proposals put forward and would welcome the improvements to the general environment - and safety of users of the A48 - that they would achieve.

5.0 EVALUATION

5.1 The principle of the proposed development

5.1.1 Pwllmeyric is designated as a Main Village within the Monmouthshire LDP. Being within a Main Village means residential redevelopment is allowed subject to detailed planning considerations, including the proposal meeting criteria set out in policies DES1 and ENV1 that promote good design and the safeguarding of local amenity and the living conditions of neighbours, whilst promoting the efficient use of urban land.

5.2 Consideration of proposal in relation to LDP policies EP1 and DES1

5.2.1 The mass of the proposed dwellings is relatively large compared with the existing dwelling, Bridge House. However, this part of Pwllmeyric is characterised by a mix of housing types, differing in form and style with varied plot size. Therefore, the scale and mass are not considered to be out of accordance with the mix of housing designs along Chepstow Road.

5.2.2 In terms of the siting of the proposed dwellings, they would be set back from the main road. The prevailing form of development features a staggered arrangement (in relation to the front building line and the overall height) of houses with diverse scale and design, together with a variation in levels along this part of the village. Thus, there is no distinctive development pattern to which any new dwelling proposals ought to have regard.

5.2.3 Overall, it is considered that the design of the proposed dwellings is acceptable in this context and would not be out of character in relation to the scale, bulk and mass of other properties in the area, and the proposed materials are also acceptable. Given the above, the proposal is considered to be in accordance with Policies DES1, EP1 and H2 of the Monmouthshire LDP.

5.3 Neighbour amenity

5.3.1 There is a reasonable gap between the proposed dwellings and the neighbouring properties, Beckstone House and Wenvoe. House One will have two first floor bedroom windows facing Beckstone House and the gap between the two houses is less than the standard privacy distance of 21m. However, the proposal has been amended so that the first floor windows on the west elevation of House One are at or around the level of the ground floor windows to Beckstone House (due to Beckstone House being built on a higher parcel of land). Therefore, owing to the levels and the angles of these windows, it is anticipated that overlooking will be minimised and the relationship would be acceptable.

5.3.2 In terms of overshadowing, due to the orientation of the proposed dwellings, the proposal would cause some loss of light during the late afternoon. However, there used to a group of mature trees around the outer edge of the site, which cast a significant shadow over the neighbouring property, Wenvoe. Subsequent to the previous permission, some of the trees have been maintained and some removed by the applicant, which has improved natural light into the garden area and rear elevation of the neighbour. This neighbour has also expressed support for this application due to improvements that he has noted and the improved safety of users of the A48. On balance, the proposal is considered to make a positive contribution towards the living conditions of the neighbouring property and ought to be supported in this regard.

5.4 Flooding issues

5.4.1 The proposal is in a zone C2 flood plain as defined by TAN15. Inside such an area new residential dwellings, classed as highly vulnerable development, are not permitted. The site is brownfield land and is within a designated main village (Policy H2 of the LDP) which allows for new residential development and/or residential redevelopment or sub-division of large dwellings, subject to detailed planning considerations, including there being no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.

5.4.2 It is acknowledged that the proposed site is within a zone C2 flood plain. However, the site has been subject to engineering works which have sought to address the flooding issue, ensuring the existing and proposed dwellings are in effect aken out of the C2 Flood Zone. NRW has confirmed that their initial concerns over flooding have been addressed and they do not object to the planning application. They confirmed that the FCA has satisfactorily demonstrated that there is likely to be sufficient flood storage upstream of the proposed development site (as indicated on page 4 of the FCA) and, that flood waters are not predicted to overtop the existing riverbank (left bank looking downstream) with a blockage scenario on the existing A48 bridge. This will remove the likelihood of the overland flood flow developing during an extreme 0.1% (1 in 1000 year) event which has previously been established in earlier FCAs to affect the site in question. The reason for this is there is sufficient and natural floodplain storage upstream of the A48 Bridge that will accommodate such extreme flows and will reduce the impacts of flooding at the bridge and the proposed development site. NRW consider that there is not likely to be an increase in flooding elsewhere post development. Since the

engineering works in relation to flood mitigation have already been completed on site, NRW has no request for any additional conditions. Given the above, there is no objection to the proposal on flooding grounds.

5.5 Highway matters

5.5.1 The Council's Highways Department offers no objection to this application and the principle of the application for two dwellings is supported at this location. The level of the driveway would be raised in conjunction with the proposal and this level would improve the gradient for access/ egress and offer a safer point of access for the users.

5.5.2 It is considered that there is sufficient on-site parking and turning provision within the site; it would be advisable to mark out the parking spaces so that they are used efficiently. The width of access is to be reduced as it is excessively large. This must be reduced to a maximum width of 5m. In terms of drainage for the access and driveway, it is proposed to discharge into an existing soakaway. The location of which needs to be clarified.

5.6 Biodiversity

5.6.1 Natural Resources Wales advises that the development will need to be subject to an EPS licence before work can commence at the site. The Council's Ecologist also advises that taking into account the loss of potential roosting sites and the foraging/commuting network that the Mounton Brook and associated vegetation provide it would be appropriate and in line with LDP Policy NE1 and our duties under the Environment (Wales) Act 2016 to provide enhancements for bats within the new dwellings as suggested in the submitted report. As such a condition for a restoration and enhancement plan is requested.

5.7 Welsh Water

5.7.1 Welsh Water was consulted and no objection has been received; it is advised that no surface water and or land drainage should be allowed to connect directly or indirectly with the public sewerage network. Also, the applicant should be made aware that the proposed development site is crossed by two sewers and no development shall be carried out within 3 metres either side of the centreline of the 150mm public sewer and 5 metres either side of the centreline of the 400mm public sewer. It is considered that this element is controlled by other legislations (a matter between the developer and Welsh Water). Therefore, an informative will be used to inform the developer.

5.8 Affordable Housing Contribution SPG

5.8.1 Any planning application submitted after 1 April 2016 is liable to the provisions of the adopted Supplementary Planning Guidance (SPG) on Affordable Housing. Section 4.4 B1 on page 8 indicates that prior to any planning permission being granted, an applicant for a single dwelling will need to enter into a Section 106 Planning Agreement to pay a contribution towards affordable housing in the housing market in which the site is located. In this case, this amounts to £27,161. The applicant had submitted further information in respect of a viability assessment and it has been found that this proposal is not financially viable due to abnormal costs, including land engineering and specialised foundations. Therefore, requesting a S106 agreement for a contribution towards affordable housing would not be reasonable in this instance.

5.9 A response to the Mathern Community Council

5.9.1 Mathern Community Council considers that this proposal represents overdevelopment of the site. This part of Pwllmeyric is characterised by a mix of housing types, differing in form and style with varied plot sizes. In this regard the proposal is considered to be acceptable and would not harm the streetscene or the character of the village.

5.9.2 There is an objection from the Community Council about additional traffic generation at a very dangerous point on the A48. The Council's Highway Department does not object to this application as one additional dwelling at this location does not adversely affect traffic movements in this part of Pwllmeyric. In addition, the site access would be improved to provide better visibility splays and there is ample space for on-site parking and turning provision, allowing vehicles to exit the site in a forward gear. Given the above, there is no objection to this application.

6.0 RECOMMENDATION: APPROVE

Conditions:

1. Standard 5 years in which to commence development.

2. The development shall be carried out in accordance with the approved plans.

Pre-commencement conditions

3. The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the final Method Statement detailing bat mitigation. The Method statement shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes.
Reason: To safeguard individuals and the resting place of a European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2010.

4. Prior to the commencement of works a Green Infrastructure Restoration & Enhancement Plan shall been submitted to and approved in writing by the Local Planning Authority. Restoration and enhancement shall include as a minimum;
• Bankside habitat restoration – to include replanting of native species
• Bat and Bird Enhancements – provision of bat/bird boxes

The Scheme shall be implemented as agreed, it shall include the following as a very minimum;-
1) Purpose and objectives for the proposed works
2) Detailed working methods to achieve stated objectives
3) Extent and location of proposed works/enhancements on appropriate scale maps and plans.
4) Type and source of materials to be used where appropriate, e.g. native species, planting specifications, types of roosting provision
5) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
6) Details of initial aftercare and long-term maintenance.
The Green Infrastructure Restoration and Enhancement Plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To restore supporting habitat of protected species (otter), and provide enhancements for section 7 species in accordance with Environment Act (Wales) 2016 and LDP policies S13, NE1 and GI1.

5. 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:
1) Details of measures to protect the watercourse from incidental pollution during development
2) Details of the measures to safeguard Otter during development e.g. no work after dusk or before dawn, sensitive lighting, and no trenches left open overnight.
The construction Method Statement shall be completed in consultation with an appropriately experienced ecologist.
Reason: To safeguard the biodiversity interest of the watercourse in accordance with LDP policy NE1 and the Environment (Wales) Act 2016.

Regulatory Conditions

6. Any entrance gates provided shall not open outwards and shall be set back a minimum of 5m from the highway boundary. Reason: So that any vehicles serving the site may be parked off the carriageway when opening/closing the gates.

7. Notwithstanding the hereby approved plans, the width of the access shall be reduced to 5m maximum.

8. Any new soakaways shall be at least 5m away from the highway.

9. No surface water and/ or land drainage shall connect directly or indirectly to the public sewerage system.

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 attached to the buildings or be positioned in the curtilage so as to illuminate the watercourse to the western and southern boundaries of the site.
Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policy NE1

10. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building(s) for active birds' nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
Reason: To ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981) as amended.

Informatives:

Please refer to letter from Welsh Water, dated 15/02/2017, for more information.

BATS- Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) 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).

NESTING BIRDS – Please note that 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 bird species is between March and September.

OTTER - Please note that otters are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.
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.

DC/2017/00552

ERECTION OF MARQUEES FOR FUNCTION USE BETWEEN APRIL TO OCTOBER (INCLUSIVE) AND RETENTION OF A SHED (4M SQUARED)

THE BELL, SKENFRITH

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst
Registered: 27/06/2017

1.0 APPLICATION DETAILS

1.1 The application seeks consent for the retention of marquees on land at The Bell, Skenfrith for function use between April and October inclusive. The application has been submitted as a result of an enforcement case. The marquees are situated in the garden area of the hotel/ inn's grounds which is situated to the south east of the site. The garden area is quite open and can be seen from the main road, but the northern elevation of the garden is screened by a mature hedgerow. The marquee proposed is a double marquee and measures 24m x 12m with a height of 2.5m; the wooden shed is situated to the side of the marquees and measures 1.55m x 2.7m x 2.3m and is used for storing equipment.

1.2 Under Schedule 2, Part 4 Class B of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) development is permitted for the use of any land for any purpose for not more than 28 days in total in any calendar year. However, development is not permitted by Class B if (a) the land in question is a building or is within the curtilage of a building.

1.3 Therefore as the marquees are within the curtilage of The Bell Inn, this rule does not apply in this instance as the marquees are situated within the curtilage of The Bell Inn.

2.0 RELEVANT PLANNING HISTORY

DC/2015/01298	Discharge of conditions from previous application	Approved 23/11/15
DC/2015/00523	Removal of existing timber structure and oil tank. Construction of new detached building to provide new biomass boiler plant, pastry kitchen and first floor staff accommodation.	Approved 24/6/15

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 Landscape, Green Infrastructure and the natural environment
S17 Place making and design

Development Management Policies

EP1 Amenity and Environmental Protection
DES1 General Design Considerations
HE1 Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llangattock Vibon Avel - recommends refusal. The marquees have a massive visual impact on an outstanding conservation area and do not meet the criteria of the LDP; There is no limitation on the hours that they can be used, the number of times that they can be used, the numbers attending, or the noise level either at the site itself or at the edge of Skenfrith village. As the application stands, there could be three events held every 24 hours, 180 days of the year. The Community Council has been informed that noise levels in the village exceeded 60db at 1.00am during an event held mid-week in September of last year. There is insufficient parking available. If say, there were 150 people attending; that would be about 50 cars. The application states that there is space for 25 cars. These 25 spaces also have to cater for the existing customers of the public house itself. There are no safe areas to park on the nearby road or verges. There is no evidence of a consultation with local residents, in terms of numbers consulted/responded, or questions asked.

MCC Heritage Team – unable to support the application as (i) it is unsympathetically sited within the Conservation Area (CA) and/or no mitigation (or rationale for mitigation) has been considered; materials are also not appropriate to setting of the CA. ii). It is highly visible within the CA; (mostly) when travelling north/north-east along B4521 and from PROW(s); it is also visible from the Castle and some residential properties within the CA.
CA Value: Medium importance and rarity, local scale. Impact: Partial loss of/damage to key characteristics, features or elements (adverse); but not adversely affecting the integrity of the CA - moderate adverse effect (significant).
Although they are important considerations, its impact on the CA and LC are not likely to be key decision making factors for this application: providing the applicant submits adequate mitigation to screen their proposal. Please note: The cumulative effects of such issues may become a decision-making issue if leading to an increase in the overall adverse effect on the CA. I would be grateful to review the submitted mitigation/plans when you receive them.

Environmental Health – considered factors. I note that objections have been made to the proposal from residents who live in the area and via the local community council in relation to noise. There has been no recent history of complaint in relation to noise from the premises. However, I understand that only a very limited number of events have been held in the marquee. I am mindful that more regular events in a marquee at this venue between April and November will have the potential to generate an increase in noise levels in this area. Such events are also likely to have a licensing implication. Whilst I am of the opinion that I am not in a position to substantiate an objection to the proposal I would recommend that prior to any consent being granted a scheme should be submitted by the applicant to the local planning authority for written agreement specifying the provisions that will be implemented for the control of noise emanating from the site. The noise mitigation scheme should be maintained for the life of the approved development and shall not be altered without the prior written approval of the planning authority.

Glamorgan Gwent Archaeological Trust – no comments received.

4.2 Neighbour Consultation Responses

Several neighbours were consulted on the planning application and a site notice was placed on site. Three objections to the application were received and their comments are as follows:
One neighbour commented that no consultation with neighbours had been carried out; hours of opening and requirements – a banner advertises the marquee for special events all year; noise issue from events – the application would give licence to be holding parties and entertainments 6 days a week and the one event held last summer was so noisy that even the with the windows of our house all shut it was impossible to hear the television. Given that such events would be happening in the warm summer months we could reasonably want to have our windows open and the volume in our house would be even more unbearable. A marquee provides very little in the way of sound containment and we consider a noise assessment which paid heed to the neighbours' quality of life to be vital unless the application is rejected on other grounds. The marquee is visible from the road.

Another neighbour is concerned and objects on the grounds that it will have a significantly detrimental impact on the Conservation Area; there would be unquestionable noise impact on the local community; failure to consult with the local people; and the dangers, risks and inconvenience brought about by an increased regular influx of vehicles to the village. The first thing one sees on approaching Skenfrith from Abergavenny is two large white tents. No attempt has been made to camouflage them, either by screening or toning them into the environment. Why do they need to remain standing for seven months of the year? A much welcomed seat overlooks the whole valley with its magnificent views – only marred by two white tents. The noise from functions held at The Bell has been a minor nuisance. The noise from loud music emanating from The Bell heard from the top of Coed Anghred Hill is exacerbated by the incessant thumping of bass instruments. We have no idea of the nature or the number of proposed events, but if they are frequent the noise could become an intolerable major issue. There has been no consultation with members of the public regarding the application (duty of care to talk to people). The Bell has also reduced its parking which causes issues particularly at busy times.

Another residents objects to the application on the following grounds:
Impact on the Conservation Area
Noise impact – events will generate a lot of noise and disturbance. This is unacceptable and will severely impact on our quality of life in this peaceful location.
Description does not imply the nature of functions; how frequent they would be and the number of attendees; this is unreasonable and unacceptable.
There has been no community consultation on the erection of the marquees for events.
Vehicle parking – inadequate parking and events could generate extra vehicles to the site.
Hours of opening – the applicant has not stated the hours of opening for the marquee. We object on the basis that should the application be approved, we will potentially be exposed to frequent, long, late and noisy functions taking place.

5.0 EVALUATION

5.1 Visual Impact

5.1.1 The application is for the retention of two marquees erected within garden land at The Bell Hotel, Skenfrith.

5.1.2 The applicants set out that the removal of the marquees on site and their re-erection were very time consuming and would exceed the permitted development allowance as each event would take around two to three days to erect and then take down. Hence this was the reasoning for submitting an application for the time period now sought.

5.1.3 The proposed marquees are situated at the rear of the site and within the gardens of the Hotel. The garden to the rear is located directly behind the car park area and there is screening provided by a mature hedgerow to the north. However to the west of the site there are open and direct views from the main road and some neighbouring dwellings. Due to the location of the marquees and the openness of the site it is suggested that a planting scheme is carried out to feature indigenous planting which will screen the marquees from nearby residential properties and views towards the site as one enters the village. The applicant has agreed to carry out the planting to mitigate the visual impact of the proposal and to preserve the character and appearance of the surrounding area and conservation area.

5.1.4 The marquees currently have a harmful impact on the rural landscape and a detrimental impact on the Conservation Area, but by planting a screen around the fenced area this should overcome these concerns. Once the planting has been carried and has matured it is considered that the marquees would be have an acceptable visual impact on the surrounding area.

5.1.5 Development within conservation areas should preserve or enhance the character or appearance of the area and its setting, have no serious adverse effect on significant views into and out of the conservation area and have no serious adverse effect on significant vistas within the area. Whilst the positioning of the marquees is prominent it is recommended that screening to the site is planted to overcome these issues. The applicant is willing to plant a screen to the west and south of the site. The use of appropriate materials is also required under LDP Policy HE1 in order to protect and enhance the character and appearance of the conservation area, but it is noted that the marquees will not be a permanent feature at the site and will not be permanently erected during the period specified in this application. This permission would allow the applicant to erect the marquees as and when required during the period of April to October.

5.1.6 It is also stressed that the applicant does not have functions at the Hotel every weekend and the marquees will be used on a request basis and there are other function rooms available at the site. Provided the green infrastructure is provided at the site it is considered that the development would be in accordance with Policies EP1, DES1 and HE1 of the LDP.

5.2 <u>Residential Amenity & Noise</u>

5.2.1 The site is relatively isolated, on the edge of the village and the marquees are situated at the rear of the hotel gardens. There are two residential properties in direct view of the rear gardens of the hotel and they look directly onto the marquees. There is no screening to the site on its western or southern sides and the site is surrounded by agricultural fields. As it stands the site is open and it is considered that the development would have a harmful impact on the nearest neighbours' amenity. There have been several objections to the proposals. There are also concerns regarding the noise that is generated from functions taking place at the site.

5.2.2 To overcome the issue regarding the direct views from the neighbouring properties, it has been suggested that planting is carried out at the site to screen the residential properties on the western and southern edges of the garden. This would alleviate any

visual impact on their residential properties and would also act as a screen to reduce noise from events at the site.

5.2.3 Neighbours were also concerned about the opening times for the marquee. While the licensing system can cover the hours of operation of the marquees, amenity is also a planning consideration. In view of neighbours' concerns and the fact that the marquees would be less easy to insulate from noise than a building a limit on the hours the marquees can be used is proposed as set out in the conditions below (until 11pm). This is more restrictive than the hours the hotel itself can open, which is self-explanatory. While there would be potential for noise disturbance from time to time, it is considered that the imposition of such a condition, together with control over the duration of music being played in the marquees and adherence to a noise mitigation plan, as requested by the Council's Environmental Health Department, would ensure reasonable levels of amenity are maintained for the local community. With these conditions in place it is considered that the development will comply with policies DES1, EP1 and HE1 of the Monmouthshire Local Development Plan.

5.2.4 In terms of not specifying how many events the applicant is likely to hold at the premises, it is difficult to pre-empt functions that may or may not be booked. The applicant has confirmed that they have only held several functions at the premises and have not held a function every weekend. The applicant has also confirmed they have another room within the hotel that they use for small weddings and other functions.

5.2.5 The Community Council raised concern regarding the impact of the visual amenity of the marquees at the rear of the site, but this can be overcome by the aforementioned planting to screen the views of the neighbouring properties and visitors to Skenfrith.

5.2.6 Parking is available on site for events and functions to the premises and the hotel would manage parking so that it does not cause parking problems in the village itself.

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

5.3.1 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.

5.4 Conclusion

5.4.1 The application seeks to consent to erect marquees on site between April and October. The siting of the marquees in this location does not have a harmful impact on the character and appearance of the rural landscape and is acceptable providing that an acceptable planting scheme is implemented. The marquee results in the site being able to accommodate wedding and other functions and provide employment opportunities and benefits to the local economy in accordance with strategic policies S8 and S10. The development would be in accordance with relevant policies in the LDP and is therefore acceptable.

6.0 RECOMMENDATION: APPROVE

Conditions:

Amod Rhif/Condition No.	Amod/Condition
1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	The hereby approved marquee shall not be used to hold functions between the hours of 23:00 and 09:00 (24 hour clock).
4	The erection and siting of the hereby approved marquee is permitted between 1st April and 31st October only. Outside these times the marquees shall be taken down, removed from the site and not re-erected on site.
5	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
6	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 date of this permission, 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.
7	Amplified music or performed music shall only be played inside the marquees at the venue between the hours of 11:00 and 23:00.
8	All walls of the marquees must be erected (with exception to the entrance) when it is being used for an event or function.
9	A noise mitigation plan shall be submitted to and approved by the local planning authority prior to the use of the marquees commencing for functions and events and the use shall be carried out in accordance with the approved mitigation plan at all times.

DC/2017/00651

ERECTION OF A TWO STOREY ANNEXE

40A MAIN ROAD, PORTSKEWETT

RECOMMENDATION: APPROVE

Case Officer: Nia Watts
Date registered: 28/06/2017

1.0 APPLICATION DETAILS

1.1 40a Main Road is large detached dwelling and forms part of two new dwellings built under the scheme DC/2007/01327. These dwellings are located away from the main street scene behind No. 40 and Hollyberry House and share a driveway. No. 40A has its principal elevation facing east. To the south of the site are properties in Hill Barn View and the rear gardens of No's 20, 21 and 22 bound onto the southern boundary of 40A. It is proposed to erect a two storey annexe building to the south (side) elevation of the house measuring approximately 5.3m by 8.3m by 5.8m high. The scheme has been amended to remove a rooflight from the annexe. It has also been requested that the proposal is amended to reduce the height of the annexe; this has been reduced from 6.1m to the ridge to 5.8m and the annexe has been made wider with the roof pitch becoming less steep.

1.2 The scheme was considered at a Delegation Panel meeting on Tuesday 26th September whereby Members resolved to request that the application was presented to Planning Committee; Members were not satisfied regarding the impact of the proposal upon neighbouring properties' amenity and were also concerned about the visual impact of the proposal. It was felt the proposal was an overdevelopment of the plot. It was considered that it would be preferable to convert the existing large double garage into annexe accommodation. Following this, the applicant was advised to reduce the size of the annexe further and re-present the design as a single storey annexe building. The plans however have not been altered and the application wishes to pursue the design presented at the Delegation Panel.

2.0 RELEVANT PLANNING HISTORY

DC/2007/01327 – 2 No. dwellings with garages (Reserved matters)
Approved 25.07.2008

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S17 Place making and design
DES1 General Design Considerations

S13 Landscape, Green Infrastructure and the Natural Environment
EP1 Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultation Responses

Portskewett Community Council – recommends refusal. Concerns with regards to the proximity of the proposed development to the perimeter fence of the property and the impact this will have upon neighbouring residences. Also concerns raised regarding the size of the proposed development in relation to the existing dwelling.

Glamorgan Gwent Archaeological Trust – no objections.

Welsh Water – draws attention to a public sewer that runs across the site.

4.2 Neighbour Representations

Three letters of objection have been received from the properties to the rear No's. 20, 21 and 22 Hill Barn View. No. 21 has also written in with concerns in relation to the amended drawings

The following concerns have been raised:

- Annexe extremely close to the boundary fence - affecting privacy, overlooking and blocking sunlight.
- The house has not been built in accordance with the plans, (being built parallel rather than at an angle) which results in train noise resonating round my back garage – the annexe proposal will exacerbate this.
- Amendments have not changed initial concerns.

A letter of support has also been received from someone in the locality with comments that he is supportive of a proposal which facilitates people to look after their elderly parents.

4.3 Local Member representations – concerns about the proximity of the building towards the shared boundary with neighbouring properties and questions the need for a two storey building as accommodation for the elderly is usually on the ground floor.

5.0 EVALUATION

5.1 Principle of proposal

5.1.1 40a Main Road is located within Portskewett's development boundary which allows in principle for annexe development to share the primary facilities of the existing dwelling house, such as the garden and parking area providing there is an acceptable impact on visual amenity and neighbour amenity.

5.2 Impact on Visual Amenity

5.2.1 40a Main Road is set away from the streetscene and cannot be seen from Main Road. The annexe is to be located to the south elevation and wold be largely obscured by the existing dwelling house. Although there are concerns a new building in this location is overdevelopment of the plot, it is considered that visually the annexe will have a limited impact on the wider area in that it cannot be seen within the public street scene and there is enough space to accommodation such a new outbuilding. Visually the annexe will appear subservient to the main dwellinghouse. It is considered that the visual impact of the proposal is acceptable.

5.3 Impact on Neighbour Amenity

5.3.1 It is considered that in relation to the residential amenity impact of the proposal, the annexe will have an acceptable impact. Although it is appreciated it is sited in close proximity to the rear boundaries of the neighbouring dwellings approximately 800mm away, 40a Main Road is set a lower level, approximately 1.1m lower than the neighbouring properties 20, 21 and 22 Hill Barn View. The annex would project 2.7m to the eaves from the ground level of Hill Barn View, projecting approximately 1m above the existing fence screen. The overall height of the annexe to the ridge line is 5.8m (from the ground level of 40A Main Road) and 4.8m from the ground level of Hill View Barn but from the eaves the roof line will taper back

from the fence boundary. Although there will be a large mass above the fence line, this is common in mid to high density residential areas whereby residential properties have outbuildings up to the boundary. There are permitted development allowances to erect an outbuilding up to 2.5m high to the eaves and up to 4m to the ridge height. Comparatively this proposal is 2.7m to the eaves and 4.8m to the ridge height from the ground level of Hill View Barn's rear gardens. The resultant impact therefore is not considered to be significantly overbearing to warrant the refusal of the application.

5.3.2 In terms of overlooking there will be minimal impact towards No's 20, 21 and 22 Hill Barn View as no first floor windows or rooflights are proposed to the rear (south) elevation. The proposed first floor windows to the end gable elevations which are to serve a bathroom and stairway (non-habitable rooms) will have oblique views into these gardens. A condition will also ensure they are obscure glazed to ensure no direct overlooking occurs towards the rear garden area of No.19 Hill Barn View.

5.3.3 Overall the consideration of this application takes into account the effect of the proposal on local residential amenity. While acknowledging residents' concerns, it is considered that the limited harm caused to local amenity by the proposal is not so significant as to be unacceptable in planning terms and the proposal would not affect the peaceful enjoyment of the neighbouring properties or their privacy. The proposed annexe is considered to be in accordance with policies S13, S17 DES1 and EP1 of the Local Development Plan.

5.4 Response to the Community Council's and Local Members representations

5.4.1 In response to the Community Council's representations regarding concerns about proximity of the proposed annexe to boundaries and the size of the proposal, these are addressed in the previous sections, above.

5.4.2 In terms of why it has been designed as a two storey outbuilding, the agent has stated that this was to avoid a larger ground floor build and the first floor accommodation was to make use of the roof space. Although a single storey development would limit the amenity impact (and this option has been requested) the applicant has not agreed to amend the plans. Despite this, it is not felt in this instance that the two storey development is significantly overbearing enough to warrant its refusal. It is stated the occupiers will be the parents of the owners of 40a and a condition will ensure that it can only be lived in as annexe (ancillary) accommodation by family members who require the support of the household living in the main dwellinghouse. It cannot be rented or lived in by somebody independent of the family and not dependent on the main house.

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

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

6.0 RECOMMENDATION: APPROVE

Conditions

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
	Compliance conditions
3.	The annexe accommodation hereby approved shall not be occupied otherwise than for purposes ancillary to the residential use of the existing dwelling.
4.	The bathroom window in the west elevation and the stairway window in the east elevation shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

Informatives

The proposed development site is crossed by a public sewer. The applicant may need to apply for any connection to the public sewer under S106 of the Water Industry Act 1991. For further information the applicant is advised to contact Welsh Water on 0800 917 2652

DC/2017/00950

ERECTION OF A TERRACE OF 3 NO. RURAL EXCEPTION DWELLINGS, NEW ACCESS AND CAR PARKING AREA, NEW FIELD GATE/ACCESS AND ASSOCIATED WORKS

LAND OPPOSITE OLD SCHOOL HOUSE, FORGE ROAD, TINTERN

RECOMMENDATION: APPROVE

Case Officer: Nia Morrison
Date Registered: 10/08/2017

1.0 APPLICATION DETAILS

1.1 The proposed development is for a small terrace of three dwellings to be considered as a rural exception site for affordable dwellings in the locality of Tintern where there is an identified need for affordable homes. The site is located within the 'Minor Village' of Tintern (which does not have a development boundary) and within the Wye Valley Area of Outstanding Natural Beauty (AONB) as well as Tintern's Conservation Area. The site is approximately 120m west of the junction with the main road through Tintern (the A466). The site is 130m south-west of the Scheduled Ancient Monument (SAM) Lower or Abbey Wireworks, Tintern (MM266) and 152m east of the site is Tintern Abbey, Precinct Wall (MM157) SAM. There is a Public Right Of Way (PROW) No. 381 that runs parallel to the south boundary of the site along the adjacent highway.

1.2 The site comprises a roughly rectangular shaped parcel of agricultural grassland measuring approximately 36m across the frontage by 22m deep. The site is currently bounded by mature hedgerows and adjoins the highway on its southern boundary. To the east of the site is The Royal George Hotel and opposite the site is the former school now converted into a single dwelling. To the immediate west of the site is again agricultural land and beyond that residential properties and the Wireworks public carpark. The site falls in level towards the north; approximately 30m north of the site is the Angiddy River a tributary of the River Wye (the latter is a Special Area of Conservation (SAC)). Due to its raised level the application site is outside the established floodplain of the Angiddy River or the River Wye.

1.3 The proposed terrace is to provide 2 No. two bedroom properties and 1 No. three bedroom property. The third dwelling is designed to be slightly larger to provide a three bedroom property. The dwellings are to front the highway with private rear gardens and shared off road parking to the west of the terrace. To the rear of the site a crib lock retaining wall would be built to support the land from the lower level floodplain to the north of the site. A field gate access is also proposed to the west of the parking area to provide access to the retained land.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

<u>Strategic Policies</u>

S1 – Spatial Distribution of New Housing Provision
S4 – Affordable Housing
S12 – Efficient resource Use and Flood Risk

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

Development Management Policies

H7 – Affordable housing rural exceptions
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
HE1 – Development in conservation areas
NE1 – Nature Conservation and Development
GI1 – Green Infrastructure Provision
LC4 – Wye Valley AONB
LC5 – Protection and Enhancement of Landscape Character
MV1 – Development and Highway Considerations
SD3 – Flood risk
SD4 - Sustainable drainage

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 **Tintern Community Council** – Recommends Approval

4.1.2 **MCC Planning Policy** - The proposal does not amount to 'minor infill' as set out in Policy H3 relating to residential development in Minor Villages. There is, therefore, non-compliance with Policy H3. Policy H7, however, relates to affordable housing rural exception sites, noting favourable consideration will be given to the siting of small affordable housing sites adjoining the rural secondary settlements, main villages and minor villages. The proposal's location in Tintern meets Policy H7 in principle. Policy H7 also provides a number of detailed criteria that must be met. Criterion (a) relates to the scheme meeting genuine local need; it is understood there is a genuine need in the Tintern area. Criterion (b) is satisfied as Monmouthshire Housing Association is the applicant and will manage the affordable housing site. Criterion (c) concerns detailed planning considerations relating to village form, landscape and access.
The site is located in the Wye Valley Area of Outstanding Beauty, and Policy LC4 consequently must be considered along with Policy NE1 relating to Nature Conservation and Development and GI1 relating to Green Infrastructure. The site is also located within the Tintern Conservation Area; Policy HE1 must therefore be referred to. The site is located outside the area of Zone C2 floodplain and there is consequently no conflict with development management Policy SD3 relating to Flood Risk. It is noted a drainage strategy has been provided with the application, Policy SD4 is of relevance in this respect.
Policies DES1 and EP1 should also be considered relating to general development considerations along with Policy MV1 in relation to proposed development and highway considerations.

4.1.3 **MCC Highways Officer** - No objections to the proposal but opposed to a typical junction; we would expect the access to be of a footway vehicular crossing standard in order to maintain pedestrian priority.

4.1.4 **MCC Conservation, Landscape and Green Infrastructure Officer** – No objection in principle but requests changes to some of the detailed design elements in order to enhance the appearance of the dwellings within the conservation area and also within

its AONB countryside setting. Also requires further clarification on materials and design details which can be conditioned. Amendment requests are:

- Drainage strategy to incorporate land to the north
- Roof materials to be of natural slate
- No close boarded fencing to be visible from highway
- Proposed stone wall to tie in within existing boundary treatments.

4.1.5 **MCC Tree Officer** - The trees, including a semi-mature Ash which are proposed to be removed appear to be low quality and given the amount of tree cover in the area, their loss will have a negligible impact on the landscape. However, the application does not contain any arboricultural information to inform the likely impact of the development on retained trees. There are several mature Cypress trees on the edge of a car park along the eastern boundary and several broadleaved trees on the western boundary. Whilst the Cypress are now outgrown and out of keeping with the conservation area they appear to be outside the site boundary. The construction of the houses and a retaining wall in close proximity to trees is likely to have an adverse impact on roots.

We will require additional information to demonstrate how these trees will be protected from harm during development. The applicant is therefore required to submit an Arboricultural Method Statement.

4.1.6 **MCC Ecology Officer** – Satisfied that if an appropriate Construction Environmental Management Plan is submitted prior to works commencing on site there should be no negative impacts on biodiversity as a result of the proposed development.

4.1.8 **MCC Affordable Housing Officer** - Fully supportive of the proposal. There is a need for affordable housing in Tintern

4.1.9 **MCC Building Control Officer** – Makes the following comments:

- A Section 80 Notice of Demolition to be submitted 6 weeks prior to the date of intended demolition.
- The dwellings will be subject to Regulation 37A, Automatic Fire Suppression system to BS9251:2014 are to be installed in each dwelling.
- A geotechnical site investigation to be submitted with a Building Regulations application identifying the foundation/substructure design due to the presence of trees etc. A Radon report is also required.
- Necessary consents should be obtained from Welsh Water in relation to Adoption and connections to the Foul drainage system. Details required for the surface water disposal from dwellings and hard landscaping.

4.1.10 **Dwr Cymru Welsh Water (DCWW)** – Requests condition for drainage strategy to be approved prior to works commencing. Draws attention to a public sewer that crosses the application site.

4.1.11 **AONB Officer** – No response to date.

4.1.12 **Cadw Officer** - No objections on historic assets **-** All views between the scheduled monuments and the proposed development are blocked by buildings and vegetation. Consequently the proposed development will cause no damage to the settings of the scheduled monuments.

4.1.13 **Glamorgan Gwent Archaeological Trust** - Requests a programme of archaeological work (for a watching brief)

4.2 Neighbour Representations

Five letters of objection have been received with the following concerns summarised below:

Principle of the development

- Not suitable on greenfield site when there are other suitable brownfield sites in the village
- Not a sustainable location - Tintern has limited services
- No requirement for smaller housing stock in the village given that there is an entire estate of lower cost housing off the Trellech Road.
- More social housing could be provided by purchasing within the existing housing stock or developing current derelict buildings in the village.

Flooding

- Flood risk due to surface water runoff from the steep hill opposite and the Angiddy River at the rear of the site – within 20m
- Statements regarding storm water drainage and floor risk within the planning submission are incorrect - imperative that a full hydrological and hydrogeological investigation is completed
- Flooding has occurred in the past to neighbouring properties including Old School House which is set above the level of the site. Building housing on this area will put the new houses at risk but will also increase the risk to existing residents.
- Proposal will result in an increase of surface water runoff
- The proximity to the Angiddy River is not safe (concern about children's safety).

Design

- Terraced properties not in keeping with other properties within the village – they look too modern
- Low cost modern buildings incongruous with the historical setting
- Proposed houses are to be quite high and obtrusive and would be better to have a lower pitch on the roof and also put at the left hand end of the site with the car park at the right hand end (eastern end) where access would be more secure.

Highway Safety & Parking

- Proposal will result in parking on Forge Road - a detriment to highway safety as this is a narrow road.
- The pavement should be extended down to the A466 to allow a chance of safe passage to pedestrians.

Archaeology

- Site is of historic and archaeological importance

Ecology

- Angiddy river important for migratory trout
- Likelihood of Otters and Badgers at the site
- Site potential to become a rich mixed floodplain meadow land
- Wildlife preservation should be responsibly considered
- How will the Japanese Knotweed be controlled?

Trees

- Concern about the impact of development on existing tree roots within the site

Other issues

- No direct consultation
- Lack of community engagement prior to formal submission

One letter of support has also been received with the following comments:

This small terrace is exactly what is needed in Tintern The scale and design is right for the setting, the houses are a reasonable size and each has a small private garden. There is a crying need for accommodation of this type in Tintern if we are not to lose the younger families who are the lifeblood of rural villages.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The site is located within the minor village of Tintern and the proposal is for affordable housing as a rural exception site. Policy H7 of the Monmouthshire LDP sets out that favourable consideration will be given to the siting of small affordable housing proposals in minor villages providing that:

(a) *The scheme would meet a genuine need*
(b) Arrangements are in place to ensure affordable housing will be secured
(c) There would be no adverse impact on village form and character and surrounding landscape or create additional access problems

It is confirmed by the Council's Affordable Housing Officer that there is an urgent and genuine need for affordable housing in Tintern. Monmouthshire Housing Association is the applicant and will be managing the site. Criteria a) and b) are therefore met. Criterion c) will be assessed in the ensuing sections.

5.2. Site layout, design and landscape impact

5.2.1 The proposed development comprises of a small, three dwelling terrace fronting the highway which during pre-application discussions was felt to be the most appropriate layout for the site, as opposed to detached suburban type properties set back from the highway. The dwellings are tall, approximately 8.5m high but well-proportioned with a traditional steep roof pitch and window openings and features in keeping with conservation area design and in scale with the site and surroundings. Although materials are not as high end as would often be required within a conservation area and AONB setting, it is considered that the dwellings are affordable and are required to be viable. In this instance a balance is needed, relaxing external materials standards to a composite slate (as opposed to a natural one) and uPVC windows – colour to be agreed via a condition) as opposed to timber fenestration. A rough cast render for the walls is agreed to be an appropriate, simple finish to the dwellings.

5.2.2 In terms of proposed enclosures and landscaping, the proposed dwarf wall to the front of the dwelling is positive and in-keeping with Tintern's Conservation Area. Close boarded fencing is proposed as this is required to meet Welsh Government Design Quality Requirements (DQR) for security; however this is mainly to the rear of the site set back from the street scene and thus is relatively discreet. Every effort has been made to screen the close boarded fencing that could be viewed from the street scene.

5.2.3 It is proposed to retain as many trees as possible that bound the edges of the site. Although there will be a loss of a limited number of trees to facilitate the proposal, it has been assessed by the Council's tree Officer that this loss will have a negligible impact upon the surrounding landscape. A condition will ensure that further arboricultural information is submitted to ensure the mature Cypress trees on the eastern boundary and broadleaved trees on the western boundary are protected during the site works. The protection of existing mature tree boundaries, existing hedgerow and also proposed

landscaping to compensate for the trees and hedgerow loss will help to integrate the site into its Wye Valley AONB surroundings. A further detailed landscaping management plan will be required to ensure additional planting and management of the site is undertaken as proposed. This will be conditioned.

5.2.4 Overall it is considered the proposed scheme provides a sensitive, small-scale proposal that has considered its site context and is appropriate in scale and design, resecting its historic and landscape setting. Although visually there will be a change in character to the area, the proposal is considered to be in keeping with Tintern's Conservation Area and the need to find a suitable site within Tintern's settlement, which is in strong need of additional affordable housing stock, is considered to offset the loss of open space within the Wye Valley in this specific circumstance.

5.3 Flood risk and Drainage

5.3.1 In terms of flood risk there has been concern raised by those in the locality regarding the flood risk from the nearby Angiddy River and surface water run-off from the higher land opposite the site. The site however due to its raised level is outside the established flood zone set by Natural Resources Wales.

5.3.2 Foul sewerage is proposed to connect to the mains system where there is a connection point off Forge Road and Welsh Water do not object to this connection. In terms of managing surface water run-off a separate storm sewer system is proposed and proposed hardstanding surfaces would be permeable paving; a further detailed drainage scheme will be required to be submitted and agreed with Council Engineers prior to any superstructure works commencing. It is considered in this instance the drainage of the site can be managed and should not exacerbate problems for existing residents in the locality.

5.4 Access and Parking

5.4.1 Shared vehicular access to serve the development is proposed to connect directly onto Forge Road to the west of the terrace. The Council's Highway Officer has no objections to the plan and requested the design of the crossing is altered to a footway crossing to maintain pedestrian priority. The access has since been amended to indicate this.

5.4.2 In terms of parking, it is proposed to provide two spaces per property and thus there would be six off road parking spaces in total. Although that is a shortfall of one space for the three bedroom dwelling, this is considered acceptable by Highway Officers on the basis that the houses are to be affordable dwellings. This relaxation in parking requirements has also helped to ensure the hardstanding area remains an appropriate size in relation to the development.

5.5 Biodiversity Considerations

5.5.1 The site is in close proximity to the Rive Wye SAC and a Habitats Regulations Assessment (HRA) has been undertaken by the Council's ecologists to consider the Test of Likely Significant Effects (TOLSE). The HRA concluded that the potential effects can be controlled with a planning condition requiring a Construction Environmental Management Plan (CEMP) to reduce construction disturbance and potential physical damage and therefore there are not residual significant effects to the River Wye SAC.

5.5.2 The CEMP will also provide a management plan to ensure the protection of protected species such as Otter and Migratory fish and the safe disposal of the Japanese Knot

weed identified on the site. No works are to commence until the CEMP is agreed in writing with the LPA prior to any works commencing.

5.6 Residential Amenity

5.6.1 In terms of the impact of the proposal upon the privacy of surrounding nearby properties the main impact will be upon the dwelling known as, Old School House, directly opposite the site. Although the proposal will be directly facing Old School House it is considered that there is an adequate separation distance of approximately 15m between the windows given that the windows are to the less private front elevation of the dwellings and there is a public highway between the sites. No issues are anticipated towards the neighbouring properties to the east (Royal George Hotel) and west of the site (Fir Grove) due to mature trees that form a screen along the boundaries and an adequate separation distance.

.

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

5.7.1 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.

5.8 Section 106 Heads of Terms

5.8.1 The provision of the 100% affordable housing will be secured under a Section 106 legal agreement.

6.0 RECOMMENDATION: APPROVE subject to a s106 agreement to ensure the housing remains affordable

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
	Pre-commencement conditions
3 Highways	No development shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved CTMP.
4 Trees	No development shall commence until an Arboricultural Method Statement is submitted to and approved in writing with the LPA. Thereafter the scheme shall be implemented in accordance with the approved details.
5 Archaeology	No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work

	will be fully carried out in accordance with the requirements and standards of the written scheme.
6 Ecology	No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. **Reason**: To safeguard the biodiversity interest of the watercourse in accordance with LDP policy NE1 and the Environment (Wales) Act 2016.
	Pre-superstructure works conditions
7 Drainage	No superstructure works shall commence until 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.
8 Highways	No superstructure works shall commence on site until a detailed surface water management scheme has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings, hereby approved.
9 Materials	No superstructure works shall commence on site until details and samples of the materials to be used for the external walls, roof, windows and rainwater goods have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
10 Materials	No superstructure works shall commence on site until details of materials and construction technique for the 900mm high stone boundary wall have been submitted to and approved by the LPA. The development shall be carried out in accordance with the approved details before any of the dwellings, hereby approved, have been brought into use.
11 Materials	No superstructure works shall commence on site until details of the materials for the shared space/private road have been submitted to and approved by the LPA. Development shall be carried out in accordance with the approved details before any of the dwellings, hereby approved, have been brought into use.

12 Landscaping	No superstructure works shall commence on site a full landscaping planting scheme and management plan is submitted to and approved in writing with the LPA. The development shall be carried out in accordance with the approved details.
	Compliance conditions
13 Landscaping	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
14 Ecology	Works shall be carried out in accordance with the methods described in the submitted report: "*Land Opposite Old School, Tintern Chepstow. Ecological Assessment. Produced by Pure Ecology, dated July 2016"* **Reason**: Safeguarding of priority habitats and species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.
15 Ecology	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 across the scheme until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include lighting type, positioning and specification. The scheme shall be agreed in writing with the LPA and implemented in full. **Reason**: To safeguard foraging and commuting routes in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2010

Informatives;

Bats -. Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 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 the Natural Resources Wales contacted immediately.

NESTING BIRDS – Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). 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 bird species is between March and September.

Street Naming/Numbering - 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. 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.

Public Sewer - The proposed development site is crossed by a public sewer. The applicant may need to apply for any connection to the public sewer under S106 of the Water Industry Act 1991. For further information the applicant is advised to contact Welsh Water on 0800 917 2652

Wales & West Utilities - Wales & West Utilities have detected pipes in the application site that may be affected and at risk. Please contact Scott Johnson on 02920 278912 to discuss requirements before works start on site.

DC/2017/00974

RETENTION OF TRACK – PROVISION OF SURFACE MATERIALS TO EXISTING ACCESS

LAND AT WALLWERN WOOD, CHEPSTOW

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst
Date Registered: 22/08/2017

1.0 APPLICATION DETAILS

1.1 The application seeks permission for the retention of a track that has been created to an existing field access to allow farm vehicles access to farm the land. The existing field access is situated beyond a grassed area within a housing estate in Chepstow. To the south of the track is a children's play area. The track has been laid with a mixture of hardcore and gravel and the previous surface of the land was grass. The application has been submitted as a result of an enforcement case. The farmer uses the access on a regular basis to farm the land and decided to form a hard surfaced track to prevent mud and debris being transferred from the land onto the road. Previously the existing field access used to be located on the main road before the housing estate was built. The track is approximately 4m wide and approximately 30m in length from the gate to the footway at the cul-de-sac.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies
S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making & Design
S16 – Transport

Development Management Policies
EP1 – Amenity and Environmental Protection
DES1 – General Design Considerations
MV1 – Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Chepstow Town Council – recommends approval on the condition that quality products are used for the surface materials.

MCC Highways – No objection. The application is for the provision of surface materials to existing access to a field at Wallwern Wood Bayfield Chepstow. It is noted that this is a retrospective planning application as the materials have already been laid on site which is of a compacted granular material. An access is required to have a hard surface of concrete or bituminous material for a minimum of 5m from the edge of highway so as

to prevent any loose material being brought out onto the highway. Based on this the applicant is required to provide a hard surface for the first 5m from the back of footway. Furthermore, it is noted there is no formalised footway vehicular crossing therefore the applicant will be required to satisfy the requirements as set out in the notes below. Should planning consent be granted we would wish for the following condition to be applied: 1. The access shall be constructed of a hard surface concrete of bituminous material for a minimum of 5m from the edge of highway so as to prevent any loose material being brought out onto the public highway.

4.2 Neighbour Notification

Several neighbours were consulted on the application and a site notice was also placed on site. The neighbours object to the development for the following reasons:

- No provision for access to Wallwern Wood, there would be kerb restrictions, implications regarding parked cars and adjacent grassed areas; potential for waste throughout Wallwern and Barnets Wood from vehicle movements
- Other suitable access points to the land
- Material used for the new surface is builders rubble containing broken bricks, pipes, glass and other such rubbish. It is not what would be classified as hardcore/gravel. Fragments of glass have been removed from the new surface. The nature of the material used is unsuitable for its location where children play.
- No introduction of a dropped kerb to facilitate access
- No restrictions on parking in the turning head, therefore should vehicles be parked there.
- No need for this access road, it is a very quiet cul-de-sac and small children use the park
- Unsuitable materials having no regard for the neighbourhood, the environment or the people who live here. I understand the access to the field behind is required from time to time and that in wet weather the ground is prone to cutting from tyres.
- Unsuitable materials used for the track - unsafe? The existing surface has already started to undulate as it has been poorly laid at insufficient depth with incorrect materials; the access is not required for use by the farmer, he can use his own farmyard access direct into the same field
- It is claimed that this is an existing vehicular access but the kerb has not been lowered for that purpose. It is also an area suitable and commonly used for parking by residents and visitors to the street and the children's play area.
- Dangerous for the people of the residential area.
- Unsure why access is suddenly needed as it is far easier, shorter and more direct route for the farmer to access this field directly through his farmyard.

5.0 EVALUATION

5.1 Principle of the proposed development and visual amenity

5.1.1 The application has been submitted as a result of an enforcement case for the alleged unauthorised works at the site. The agent has stated that the applicant uses the access on a regular basis to gain entry into the field beyond. The track was laid so that mud or any other materials would not be transferred onto the highway within the housing estate and so that the amenity of the area was not harmed as there were tyre marks across the grassed area when the ground was wet or soft. The track has been constructed with hardcore/gravel and measures the same width as the existing field gate. The track runs from the gate to the pavement at the cul-de-sac which is approximately 29 metres in length. It is considered that the proposed use of the track is acceptable and in accordance with policies DES1 and EP1 of the Monmouthshire Local Development Plan. However the appearance of the track is considered to be unsightly but the use of the track is for agricultural purposes.

5.2 Highways

5.2.1 Highways have no objection to the retention of the development but have requested a condition be applied if the application is approved for a hard surface to be constructed for a minimum of 5m from the edge of highway so as to prevent any loose material being brought out onto the public highway. This modification to the existing track has been conditioned below.

5.3 Residential Amenity

5.3.1 The track has been laid on open grassed land adjacent to a children's play area. When the housing estate was built some 20 years ago the existing field gate was located on the main road. It was then re-sited to its position today just off the hammer head on Wallwern Wood. The main objections to the creation of the track are that it is considered to be unsightly and materials forming the track are unsuitable. The materials that have been used are considered to be dangerous resulting in glass and other sharp objects especially being in close proximity to where children play. Other issues raised suggest that the applicant has use of other field access points so there is no requirement to use this one and that there are no restrictions in the hammerhead. Residents can park cars in this location so this could cause conflict and no dropped kerb has been put in place.

5.3.2 In response to the above, the access has been there for a number of years and the farmer of the land has uses this field access on a regular basis so it is not a new access that has been in recent use. The track has been created so as not to carry mud or other debris onto the highway, avoiding a hazard for drivers and to prevent damage from tyres to the grassed surface leading to the field gate. There are concerns about the materials used on the track and the Town Council have also raised this.

5.4 Response to the Representations of the Community Council

5.4.1 The Town Council have recommended approval of this application, but is concerned that the materials are inappropriate. The track has been laid for the purpose of access into the adjacent field. Whilst the track is considered by some to be unsightly it is meant for an agricultural purpose to allow the applicant a solid access into the field and while it is utilitarian in nature, it is fit for purpose and is considered appropriate in visual amenity terms in this semi-rural location. The surfaced track is not prominent and would not harm the character of the area. The first 5m of the track from the turning head would be re-surfaced in a more permanent surface than the hardcore/ rubble surface there at present to satisfy the Highway Authority's concerns.

5.5 Conclusion

5.5.1 It is considered that the retention of the track as a solid access to the agricultural field is acceptable in principle and complies with policies DES1, EP1 and MV1 of the Monmouthshire Local Development Plan.

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

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

is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

1. This development, as modified by condition 4 below, shall be completed within 4 months of the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. The access to the site shall be used for agricultural use only and for no other purpose.
4. The access shall be constructed of a hard surface (concrete or a bituminous material) for a minimum of 5m from the edge of highway so as to prevent any loose material being brought out onto the public highway.

Reasons

1. To ensure the development is carried out in a timely manner in the interests of highway safety.
2. To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3. To safeguard the landscape amenities of the area.
4. In the interests of visual amenity of the residential area.

Informative:

The applicant's attention is drawn to the fact that there is a need for a vehicle crossover to be formed over the footway at the turning head before the access is formally used. The applicant is advised to contact the Highway Authority on 01633 644644 to discuss this matter.

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/09/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.10.2017

Appeal Decision

Site visit made on 18/09/17

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

an Inspector appointed by the Welsh Ministers

Date: 13.10.2017

Appeal Ref: APP/E6840/X/17/3177512

Site address: Old Mill House, Grosmont, Monmouthshire, NP25 5QE

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mrs Jo Riou against the decision of Monmouthshire County Council.
- The application Ref DC/2017/00136, dated 8 February 2017, was refused by notice dated 4 April 2017.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the siting of a caravan.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

Application for costs

2. An application for costs was made by Mrs Riou against Monmouthshire County Council. This application is the subject of a separate Decision.

Reasons

3. The Council refused to issue a certificate on the grounds that in its opinion, *'the caravan was sited outside the residential curtilage of the property and could not benefit from any permitted development rights'*. Planning permission was granted in 1979 for a change of use of the site to a recording studio and the Council does not dispute the appellant's contention that its use directly prior to that was as a Fishing and Country Club. Further, despite defining the main issue in this case to be whether the caravan is sited within the residential curtilage of the dwelling, the Council accepts in its appeal statement that the site comprises a single planning unit consisting of a residential use and recording studio.

4. I saw that part of Old Mill House has been converted to be used as a recording studio with rooms for performing and mixing and a band was using the facilities at the time of my visit. The appellant also offers accommodation and catering and I saw a shared living room, kitchen and dining room. Although a comfortable and homely

environment, written instructions for where to put dirty dishes, fire doors and a 'private' sign on the appellant's bedroom door make it clear that there are paying guests. As does the signposted and separate guest's parking area to the rear of the building. From what I have seen and read, I am satisfied that The Old Mill House is in mixed use comprising residential and residential recording studio. The next questions to address are, in my view, is the land in which the caravan sited within the curtilage of this mixed use building and is its occupation ancillary to the main use of the property?

5. The grassed area containing the caravan lies to the south of Old Mill House and is separated from it by a stream serving the River Monnow. A footbridge links the two and the area of land containing the caravan has a separate vehicular access. The Council also point out that the land containing the caravan sits outside a stone wall around Old Mill House. The stone wall and stream may, in the past, have delineated the residential curtilage of Old Mill House when it was in use as a dwelling, presumably a farmhouse. However, Old Mill House has not been in solely residential use since the 1970s. It does not necessarily follow that a physical feature such as a stream or wall will delineate the curtilage of a building. It is also necessary to consider function.

6. The area in which the caravan is sited comprises a large mown grassed area. It has a football goal at one end and a storage building behind the caravan used for, amongst other things, a lawn mower. The Council does not dispute and I see no reason to question that the caravan is used by the appellant and her husband when clients request to self cater. From what I have seen and read, I am satisfied that the use of the area of land containing the caravan is an integral part of the mixed residential and residential recording studio use of Old Mill House. The land containing the caravan is functionally and visually part of Old Mill House and the whole of the area edged red on the submitted plan reads and is as one planning unit.

7. The Council direct me to posts on social media that indicate that the appellant is retiring from the music business and questions whether the use of the caravan would be ancillary to Old Mill House. However, this application has been made on the basis that the occupation of the caravan is ancillary to the residential and residential recording studio use of the site. The Council make no case that, occupied as described by the appellant, the use of the caravan is not ancillary to the main use of the site. Nothing in this decision would prevent the Council taking enforcement action should the caravan be occupied as an independent unit. The Council does not dispute that the unit is a caravan[1] nor that its stationing on the site constitutes operational development under Section 55(1) of the 1990 Act.

Conclusions

8. For the reasons given above, I find that the land containing the caravan is part of the single planning unit comprising the mixed use of Old Mill House as residential and residential recording studio. I also find the use of the caravan to be ancillary to the mixed use of Old Mill House as residential and residential recording studio, that it satisfies the definition of a caravan and does not constitute operational development.

9. I conclude that the Council's refusal to grant a certificate of lawfulness was not well founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Anthony Thickett Inspector

[1] As defined in S29(1) Caravan Sites and Control of Development Act 1960

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 18/09/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.10.2017

Costs Decision

Site visit made on 18/09/17

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

an Inspector appointed by the Welsh Ministers

Date: 13.10.2017

Costs application in relation to Appeal Ref: APP/E6840/X/17/3177512
Site address: Old Mill House, Grosmont, Monmouthshire, NP25 5QE

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 322C and Schedule 6.
- The application is made by Mrs Jo Riou for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal to grant a certificate of lawful use or development for the siting of a caravan.

Decision

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

Reasons

2. The Council refused to issue a certificate on the grounds that in its opinion, *'the caravan was sited outside the residential curtilage of the property and could not benefit from any permitted development rights'*. I acknowledge that the Council asked the wrong question. The question isn't 'is the caravan permitted development' but is it development at all? I also agree with the appellant that the Council misdirected itself with regard to the social media posts referring to the appellant's retirement and what her future plans may be.

3. However, the issue of whether the area of land containing the caravan is within the curtilage of Old Mill House is a key consideration in this case. Had I found that it was not then the siting of the caravan would not be lawful. I disagree with the Council's position but consider that it provided sufficient evidence by way of a description of the features on the site and historical maps to support its case. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Section 12 of the Development Control Management Manual has not been demonstrated.

A Thickett

Inspector

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012: ARTICLE 28

IT IS HEREBY CERTIFIED that on 8 February 2017 the siting of a caravan described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The siting of the caravan is ancillary to the lawful mixed use of Old Mill House as residential and residential recording studio.

Signed

Anthony Thickett
Inspector

Date

Reference: APP/E6840/X/17/3177512

First Schedule

The siting of a caravan

Second Schedule

Land at Old Mill House, Grosmont, Monmouthshire, NP25 5QE

NOTES – SEE OVER

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Adeilad y Goron,
Parc Cathays,
Caerdydd, CF10 3NQ

Ffôn/tel: 03034445947
Ebost/email: wales@pins.gsi.gov.uk

Crown Buildings,
Cathays Park,
Cardiff, CF10 3NQ

www.gov.wales/topics/planning

Planning Officer
Monmouthshire County Council
Planning Section
County Hall
Rhadyr
Usk
NP15 1GA

Eich Cyf/Your Ref: DC/2015/01242 01424
Ein Cyf/Our Ref: APP/E6840/A/17/3168486

05 October 2017

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by MR T LEE
Site Address: LAND ADJACENT TO UPPER MAERDY FARM, LLANGVIEW, USK , MONMOUTHSHIRE

Amgaeaf benderfyniad yr Arolygydd ar yr apêl uchod.

I enclose the Inspector's decision on the above appeal.

Pan fyddwch wedi darllen llythyr y penderfyniad yn llawn, neilltuwch yr amser i lenwi ein holiadur Adborth wedi'r Penderfyniad. Mae'r holiadur ar gael ar-lein yn:

Once you have read the decision letter fully, please take the time to complete our Post Decision Feedback questionnaire. The questionnaire is available online at:

https://www.surveymonkey.com/s/PostDecisionQ

Yours sincerely,

Paul Newland
Paul Newland

Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg

We Welcome Communications in Welsh and English

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawiad a gynhaliwyd ar 07/09/17
Ymweliad â safle a wnaed ar 07/09/17

gan Richard E. Jenkins BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05.10.2017

Appeal Decision

Hearing Held on 07/09/17
Site visit made on 07/09/17

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 05.10.2017

Appeal Ref: APP/E6840/A/17/3168486

Site address: Land Adjacent to Upper Maerdy Farm, Llangeview, Usk, Monmouthshire

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

- 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 Lee against the decision of Monmouthshire County Council.
- The application Ref: DC/2015/01424, dated 12 November 2015, was refused by notice dated 2 November 2016.
- The development proposed is the change of use of land to a private gypsy caravan site consisting of 7No. residential caravans and associated development.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to a private gypsy caravan site consisting of 7No. residential caravans and associated development at land adjacent to Upper Maerdy Farm, Llangeview, Usk, Monmouthshire in accordance with the terms of the application, Ref: DC/2015/01424, dated 12 November 2015, and the plans submitted with it, subject to the conditions set out in the schedule below.

Site, Surroundings and Preliminary Matters

2. The appeal site forms part of a long and irregular shaped parcel of land located immediately adjacent to the southbound slip road of the Usk interchange on the A449 trunk road. The site comprises approximately 0.9 hectares, is surrounded by mature hedgerows and trees and would be accessed via an existing vehicular entrance. The appeal proposal seeks planning permission for the change of use of land to a private gypsy caravan site consisting of 7No. residential caravans and associated development. Two pitches would be located within the general vicinity of the access to the site, whilst the remaining five pitches would be located within what currently comprises a separate field approximately 135 metres north of the site entrance. To enable access to the northern part of the site, the proposed change of use would incorporate a substantial permeable access drive, with each pitch incorporating an area of hardstanding for the parking of vehicles. Utility rooms are proposed to serve the occupiers of site, with foul drainage proposed to be addressed through the provision of cesspits. It is proposed that the visual impact of the development would be mitigated by a substantial landscaping scheme, details of which have been submitted with the appeal.

3. In determining the appeal, it is pertinent to note the planning history of the site. Specifically, an application seeking planning permission for use of part of the site as a permanent base for an extended Romany Gypsy family was allowed on appeal in 2011 (hereinafter referred as the 2011 Appeal)[1]. This granted planning permission for two pitches by the entrance to the site although, in allowing that appeal, the Inspector imposed occupancy restrictions limiting the occupation of the site to the identified main adult occupiers and their dependents. There was some debate at the hearing as to whether the planning permission granted in 2011 had properly commenced and, if it had, whether it remains extant having regard to the planning conditions imposed as part of that permission. However, such matters are clearly beyond my jurisdiction in determining this appeal. As such, I shall determine this appeal on its own particular merits.

4. It is material to the determination of the planning application that a 50 inch diameter public water main which is defined as an asset of strategic importance to Dŵr Cymru Welsh Water (DCWW) traverses the site. This was raised as an issue during the 2011 appeal although, having awarded sufficient time for the water main to be accurately located and marked out on site, the Inspector was given the comfort that the necessary 6.5 metre easement either side of the water main could be achieved without prejudicing the delivery of the proposed development. As such, a planning condition was imposed that prevented development from taking place until a scheme to safeguard the water main had been submitted to and approved in writing by the Local Planning Authority (LPA). It was also conditioned that no caravan should be brought onto the site until details of the intended siting had been approved in writing by the LPA.

5. DCWW have submitted representations to the current proposal[2] stating that, whilst the development proposed is acceptable in principle, given the uncertainty associated with the exact route of the water main, particularly to the northern end of the appeal site, a planning condition similar to that considered necessary in the 2011 decision should be imposed in the event that planning permission is granted. Such matters were extensively discussed at the hearing and I am satisfied that the water main does not represent an insurmountable constraint, not least because the northern part of the site is large enough to accommodate the development proposed and the necessary easement subject to detailed layout considerations. The planning appeal was lodged on the basis of the site layout set out on Drawing No. YH248/S/1A. However, given the need for the safeguarding of the public water main, it is necessary that the exact layout of the development is subject to the written approval of the LPA. This could be achieved through the imposition of a planning condition similar to that referred above. The fact that this should form the basis of the appeal was agreed by all parties at the start of the hearing.

6. At the time of my site visit, part of the current appeal site incorporated, amongst other things, a mobile home, touring caravans, a utility room, hardcore spread on the ground and associated domestic paraphernalia including a washing line, garden furniture and potted plants. However, it has not been made clear that retrospective planning permission is being sought under Section 73A(2)(a) of the aforementioned Act. As such, and bearing in mind the aforementioned requirement for the exact siting of any caravans and associated development to be led by a scheme to safeguard the water main, it is possible that the exact layout of any approved scheme would need to be materially different to that currently on site. Accordingly, I shall not

[1] APP/E6840/A/10/2140260
[2] Hearing Document 2: Dŵr Cymru Welsh Water - Written Representation

determine the appeal on the basis that retrospective planning permission is being sought, but rather as a fresh proposal for 7No. residential caravans and associated development, as set out on the original planning application form.

7. Finally, the fact that the appellant and the other proposed beneficiaries of the proposal comprise Gypsies and Travellers, as defined by Welsh Government Circular 30/2007: '*Planning for Gypsy and Traveller Caravan Sites*', is a matter of common ground. I have fully considered all the evidence on this matter and, in the absence of any evidence to lead me to a different opinion, I am satisfied that this is an appropriate basis upon which to determine the appeal. As such, the national and local policy framework relating to Gypsy and Travellers is engaged.

Main Issues

8. These are: whether the development is acceptable in principle, having particular regard to the principles of sustainability set out in the adopted development plan and national policy; the effect of the proposed development upon the character and appearance of the area; and whether any identified harm would be outweighed by other considerations in favour of the proposal, including those relating to the general provision of Gypsy and Traveller sites within the area and/ or those matters associated with the personal circumstances of the persons to which the proposal relates.

Reasons

Principle of Development - Site Sustainability

9. The appeal site is located outside of the development boundaries identified within the Monmouthshire County Council Adopted Local Development Plan (2014)(LDP) and, therefore, comprises open countryside for the purposes of planning. The LDP adopts a generally restrictive approach to development within the countryside, with Policy S1 restricting new residential development outside of the identified settlements to a series of policy exemptions which include the conversion of rural buildings, the subdivision of existing dwellings, and dwellings demonstrated to be necessary for agriculture, forestry or other appropriate rural enterprises in accordance with the provisions of Technical Advice Note 6: '*Planning for Sustainable Rural Communities*' (2010)(TAN6). Policy LC1 of the adopted LDP also provides for a presumption against new build residential development in the open countryside unless it is otherwise justified by national policy or the policies within the adopted LDP.

10. The adopted LDP does not allocate any land for the purposes of Gypsy and Traveller accommodation, but rather relies upon the criteria based approach advocated through Policy H8. Whilst that policy does not specifically require Gypsy and Traveller sites to be located within settlements, it is notable that it requires such sites to be accessible to schools, shops and health care by public transport, on foot or by cycle. It also goes on to state that such sites should be located within reasonable travelling distance of a settlement with services and community facilities, including health and education.

11. There is clearly some conflict between the proposed development and the restrictive approach to development within the countryside promoted through the adopted LDP. It is also clear that there would be some conflict with the principles of sustainability that underpin the most recent expression of national policy in the form of Planning Policy Wales (Edition 9, 2016). Nevertheless, there is no doubt that, in considering proposals that seek to provide accommodation for Gypsy and Travellers, significant weight should be afforded to WG Circular 30/2007. Specifically, despite noting the importance of issues surrounding site sustainability, that document recognises the particular accommodation requirements of Gypsies and Travellers and advises that

sites in rural settings may be acceptable in principle where they are not subject to specific planning or other constraints. Indeed, it goes on to state that the over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate[3].

12. There is no doubt that the appeal site sits within a rural setting and, given the fact that the roads that lead to the site are largely unlit, narrow and without a segregated pedestrian footway, it is likely that the majority of trips to and from the site would be car borne. However, it cannot be argued that the site is remote from day to day facilities and services with the town of Usk located only a short distance away. Specifically, Usk would offer the intended occupants of the development a broad range of facilities and services, including a nearby primary school, shops and health care. WG Circular 30/2007 identifies the benefit to well-being of providing an opportunity for children to attend school on a regular basis as a key component of site sustainability and, having had regard to all of the relevant factors that can influence site sustainability, including those identified in paragraph 19 of the WG Circular 30/2007, I consider that the siting of a gypsy and traveller caravan site in the location proposed to be consistent with the general thrust of national policy and, therefore, acceptable in principle.

13. I recognise the fact that the appeal proposal seeks planning permission for a materially increased number of pitches relative to that granted planning permission in 2011. However, based on the provisions of national policy, I do not consider the scale of the proposed development to justify the refusal of planning permission on the grounds of site sustainability. In coming to this conclusion, I am particularly mindful of the fact that no other suitable and available alternative sites have been demonstrated to be more attractive in terms of their sustainability credentials.

14. For these reasons, whilst I note a degree of conflict with the overarching spatial strategy promoted through the adopted LDP, including the requirement for Gypsy and Traveller sites advanced through Policy H8(a) to be accessible by public transport, foot or bicycle, I find that the proposed development is consistent with the general thrust of the policy framework relating to the provision of Gypsy and Traveller sites set nationally, with particular reference to WG Circular 30/2007 which represents a significant material consideration.

Character and Appearance

15. The Council submits that the proposed development would have an unacceptable adverse visual impact on the special character of the surrounding countryside, referring specifically to the size of the site and its incongruous location. Accordingly, in its reasons for refusal, the Council refers to conflict with Policy LC5 of the adopted LDP which relates to the protection and enhancement of landscape character.

16. Given the scale and siting of the proposed development within an area characterised by gently undulating countryside with some sporadic small-scale development, mostly related to agriculture or residential uses, there is no doubt that the proposed change would alter and cause harm to the rural character of the appeal site. However, given that the site is, and would continue to be viewed within the context of the wider intersection of the A449(T), the A472 and the B4235 which includes a spur road adjacent to, and elevated above, the appeal site, I agree with the appellant's assessment that the site's sensitivity to the value of the landscape is of a 'medium' grade. Moreover, I have not seen any cogent evidence to contest the view that,

[3] Paragraph 26 (WG Circular 30/2007)

having regard to the proposed mitigation measures, the magnitude of change would be localised and the level of significance minor.

17. It was clear at the time of my site visit that the site is relatively flat and low lying. It was also clear that the site is well screened by established hedgerows and trees meaning that any visual harm would be largely localised. I recognise that, given the indigenous make up of such landscape features, their screening capacity would be significantly reduced during the winter months. However, I have already referred above to the context set by the Usk interchange on the A449 trunk road and, given the scope for the existing landscaping to be supplemented through an additional scheme of landscaping, such as that submitted with the appeal scheme, I consider that any harmful visual impacts could be effectively minimised.

18. On this basis I conclude that, having regard to the mitigation measures proposed, the overall harm to the character and appearance of the area would be modest and localised. Indeed, having regard to the severity of the harm identified, I find the development to be broadly compliant with the general thrust of Policy LC5 which, amongst other things, seeks to prevent: *unacceptable adverse effects to the special character or quality of Monmouthshire's landscape; significant visual intrusion; significant adverse change to the character of the natural landscape; development sited insensitively and unsympathetically; development that is incompatible within its location; development that fails to harmonise with the landscape; and development that loses or fails to incorporate important traditional features*. For the same reasons, I also find that the site does not represent a prominent location and that it does not, therefore, conflict with Policy H8(d) of the adopted LDP.

Need and Supply of Gypsy and Traveller Sites/ Personal Circumstances

19. The most up to date assessment of need comprises the Monmouthshire County Council Gypsy and Traveller Accommodation Assessment (GTAA) (2016) which I am informed identifies a need for 8 pitches to 2021. However, it was confirmed at the hearing that this figure is likely to represent a minimum figure, with the need arising from the proposed occupants of the appeal site not factored into that assessment given their current occupation outside of the area covered by Monmouthshire County Council. On the basis of this position, it is common ground that there is a need for Gypsy and Traveller accommodation within the area.

20. Section 103 of the Housing (Wales) Act 2014 provides a statutory duty on local authorities to provide sites where there is an identified need. However, the Council confirmed at the hearing that there are no Gypsy and Traveller site allocations within the adopted LDP and that the only permitted sites within the authority area are personal permissions that would not be available or suitable for the proposed beneficiaries of the appeal proposal. It was confirmed at the hearing that work has progressed within the planning policy team on a review of the adopted LDP. However, it was acknowledged that the exact form of that review is not yet agreed and that such processes would be likely to take a number of years before any necessary amendments become adopted and formally recognised as the development plan for the area. Such general need, the lack of alternative sites and the lack of a strategy to address the identified need are matters that I consider warrant substantial weight.

21. The Council and a number of interested parties have questioned the need for the appellant and the proposed beneficiaries of the appeal proposal to be accommodated at the appeal site, particularly given their current occupation outside of Monmouthshire. However, whilst I am satisfied that the appellant has satisfactorily demonstrated links to the local area and provided evidence of the unsuitability of his

family's existing accommodation, such personal circumstances do not sit in the forefront of the appellant's case. Indeed, the appellant's agent confirmed at the hearing that, whilst the personal circumstances advanced clearly weigh in favour of the appeal, it is not a personal permission that is being sought. Rather, having regard to the aforementioned statutory duty and the provisions of national policy, it is submitted that the need for the provision of sites within the area represents a significant material consideration.

22. It is well established that the accommodation needs of Gypsies and Travellers should not be constrained by the administrative boundaries of local government and it is common ground that the need for Gypsy and Traveller pitches within the South East Region of Wales, within which Monmouthshire sits for the purposes of planning, remains high. I consider such matters to weigh further in favour of the appeal. Indeed, if the appeal was to be dismissed, there is no doubt that a number of the proposed occupants of the appeal site would remain in unsuitable accommodation, with others resigned to a roadside existence.

23. Based on the foregoing I find that the level of unaddressed need, both locally and regionally, as well as the severe lack of suitable and available alternative sites, to carry with it significant weight. I also find the lack of evidence to indicate that the identified levels of need would not be addressed in the foreseeable future to be a material consideration that weighs in favour of the appeal.

Other Matters

24. I have considered all other matters raised through the planning application and appeal process, although I find nothing that renders the proposal unacceptable. Specifically, I have not seen any cogent evidence to indicate that the development would cause material harm to the living conditions of the existing occupants of Llangeview and I have already set out in the preliminary matters above that the high pressure water main does not represent an insurmountable constraint. Concerns relating to highway safety remain unsubstantiated, whilst the requirement for a Delivery and Construction Traffic Management Plan would address highway concerns relating to the delivery of caravans to the site. Drainage is a matter that could be effectively addressed through the imposition of a suitably worded planning condition. Concerns relating to ecology are not supported by any robust evidence and the existence of any legal covenants on site is a private matter that would need to be addressed away from planning processes.

Balancing Exercise and Overall Conclusions

25. Therefore, whilst I have found that the principle of locating a private Gypsy and Traveller caravan site at the location proposed would conflict with the overarching spatial strategy of the adopted LDP, I have found that it would be broadly compliant with the provisions of national planning policy which represents a significant material consideration. Moreover, whilst I have found that the proposed development would cause modest harm to the character and appearance of the area, I do not consider that the extent of such harm would run counter to the tests set out in Policy LC5. The levels of unmet need for Gypsy and Traveller accommodation within the local and wider areas also merit substantial weight in the planning balance, particularly given that I have not seen anything to indicate that a strategy exists to address such matters in the foreseeable future.

26. For these reasons, and having considered all matters raised, I conclude that the appeal should be allowed subject to the conditions set out in the schedule below. I

have had regard to the set of personal circumstances advanced by the appellant. However, it is the acceptability of the use of land, and not the identity of the occupants, that has been decisive in this case. Accordingly, I do not consider that it would be reasonable or necessary to limit the occupation of the site to specific persons and neither do I consider it appropriate for the outcome of the appeal to comprise a temporary planning permission. I have had regard to the rights of the future occupiers under Article 8 of the European Convention on Human Rights and the best interests of the children. However, I need not deal with such matters in this decision as I have found in favour of the appellant.

27. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Planning Conditions

28. I have considered the suggested planning conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014), have adjusted their wording in the interest of clarity and precision. As set out above, I have not determined the planning appeal on the basis that retrospective planning permission was being sought and, for this reason, I have imposed the statutory time commencement condition.

29. Condition No.2 restricts the occupation of the site to Gypsies and Travellers, as defined by paragraph 3 of WG Circular 30/2007, whilst Condition No.3 is necessary to ensure that the number of pitches is reflective of the number of considered through the planning appeal. Condition No.4 would safeguard the high pressure water main that runs through the site, whilst Condition Nos.5 and 6 would ensure the satisfactory siting and details of the structures on site. Condition No.7 would require a Delivery and Construction Traffic Management Plan in the interests of highway safety and visual amenity. The effective drainage of the site would be achieved via Condition No.8. Condition No.9 is necessary in the interests of visual amenity, whilst Condition Nos.10 and 11 are necessary to prevent commercial activities taking place and large vehicles being parked on the site. Condition Nos.12, 13 and 14 would require the satisfactory landscaping of the site in the interest of visual amenity. Whilst it would appear that the landscaping scheme submitted as part of the appeal proposal would be adequate, given the potential for a revised layout arising from the requirements of Condition Nos. 4, 5 and 6, I consider it to be more appropriate for a landscaping scheme to be submitted to and approved in writing by the LPA.

Richard E. Jenkins

INSPECTOR

Schedule of Conditions

1) The development shall begin not later than five years from the date of this decision.

2) The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 3 of WG Circular 30/2007.

3) There shall be no more than 7 pitches on the site and on each of the 7 pitches hereby approved no more than one static caravan as defined in the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

4) No development shall take place until a scheme to safeguard the water main through the site in perpetuity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to protect access to the pipe for maintenance and repair purposes. The development shall be carried out in accordance with the approved scheme.

5) No caravan shall be brought onto the site until details of its intended siting have been submitted to and approved in writing by the Local Planning Authority. The caravans shall only be positioned in the approved locations.

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

6) No development shall take place until details of the siting and materials of the proposed access, hard surfacing, car parking, utility block, refuse storage facilities and details of the means of electricity supply and external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and within any such timescale as specified by the Local Planning Authority.

7) No development shall commence until a Delivery and Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Delivery and Construction Traffic Management Plan shall be adhered to throughout the delivery and construction period and shall clearly detail how the proposed residential caravans are to be delivered to the site.

8) No development shall take place pursuant to this permission until a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any of the caravans hereby permitted are occupied.

9) 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 and no buildings, containers or other structures shall be erected or brought onto the site other than those expressly authorised by this permission.

10) No commercial activities shall take place on the land, including the storage of materials.

11) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of new planting and other landscaping works as well as indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

14) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

APPEARANCES

FOR THE APPELLANT:

Dr Angus Murdoch (Agent)

Rhodri Crandon

Tom Lee (Appellant)

J Owen

Ms Owen

Mitzy Lee

Ms Owen

FOR THE LOCAL PLANNING AUTHORITY:

Paula Clarke

Sarah Jones

Kate Young

Ben Terry

Stephen Griffiths

David Wong

INTERESTED PERSONS:

Rob Duff

Ian Jeffery

Wendy Wyatt

Martin Wyatt

David Pollit

Alison Davies

Adrian Blight

DOCUMENTS

1 LPA – Letter of Notification

2 Dŵr Cymru Welsh Water – Written Representation

Appeals - Detail Report

Report Parameters: New Appeals 21/9/17 to 26/10/17

Report Requested By:	
Report Date:	26-Oct-2017 at 15:23
Sort Sequence:	

Total Applications Found:	1

Planning Objects Associated to Appeal

Associated Planning Objects:

Object	Linked	UniqueReference	Description	Type

Appeal Details

Local Reference:	DC/2016/01118		
DOE Reference 1:	E6840/D	**DOE Reference 2:**	/17/3186011
Appeal Type:	Written Representation		
Appeal Application Type:			
Reason For Appeal:	Against a Refusal		
Appeal Received Date:	20-Oct-2017		
Appeal Description:	A timber frame single storey garage and summer room.		
Site Address:	Sumach House, Newbridge Lane, Newbridge on Usk, Tredunnock, NP15 1LY		

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:

Appeal Decision History

Status:	Decision Type:	Dec. Date:

Other Details / Audit

Team: DC Support Team	**Officers Name:** Joanne Clare		
Telephone Number: 01633 644806	**Fax Number:**	**E-Mail Address:** joanneclare@monmouthshire.gov.uk	
Unclear Plans: N	**No Plans Available:** N	**Major/Key Proposal:** N	
Unclear Records: N	**No Plans:** N	**Private Road:** N	
Created On: 20-Oct-2017	**Created By:** PLUMBG	**Updated On:** 20-Oct-2017	**Updated By:** PLUMBG
Data Source:	**Import Block:** N	**Checked:** N	**Deactivated Date:**

Notes:

Note ID:

User Group: **CON29 Question:**

Summary:

Text:

Create On: **Created By:**

Updated On: **Updated By:**

Deactivated Date: **Checked:**

Links:

Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

End

This page is intentionally left blank