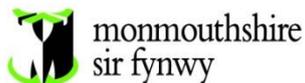


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Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 30 Awst 2021

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 7fed Medi, 2021 at 2.00 pm  
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

### AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ymddiheuriadau am absenoldeb.	
2.	Datganiadau o Fuddiant.	
3.	Cadarnhau cywirdeb cofnodion y cyfarfod blaenorol ar 3ydd Awst 2021.	1 - 4
4.	Ystyried yr adroddiad Ceisiadau Cynllunio canlynol gan y Prif Swyddog – Mentergarwch (copïau wedi eu hatodi):	
4.1.	Cais DM/2019/00799 – Darparu cyfleuster addysgol i blant cyn iddynt ddechrau yn yr ysgol, a hynny er mwyn hysbysu plant ifanc am yr amgylchedd naturiol drwy gynnig gofod diogel, naturiol iddynt ar gyfer teithiau cerdded a gweithgareddau o dan oruchwyliaeth. At hyn, mae'r cynnig yn cynnwys darparu dau pod coed i'w gosod ar gyfer gwyliau fel bod gwesteion yn medru cysgu yno, ac adeiladu toiled cemegol a lloches rhag y glaw. Rhif Cae. 5735 a 4455, Whitecastle, NP7 8UD.	5 - 16
4.2.	Cais DM/2020/00636 - Adeilad cadw defaid / at ddibenion amaethyddol cyffredinol. Fferm Henrhiw, Monkwood, Brynbuga.	17 - 30
4.3.	Cais DM/2021/00724 – Cynnig i adeiladu annedd sengl newydd i'r ochr o Rif. 2 Ifton Road. Ty Newydd, 2 Heol Ifton, Rogiet, NP26 3SS.	31 - 42
5.	ER GWYBODAETH – Yr Arolygiaeth Gynllunio – Penderfyniadau Sydd Wedi Eu Derbynnu Am Apeliadau:	
5.1.	Fferm Bushes, Earlswood.	43 - 46

Paul Matthews  
Prif Weithredwr

## CYNGOR SIR FYNWY

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

Cynghorwyr Sir:

R. Edwards  
P. Clarke  
J.Becker  
L.Brown  
A.Davies  
A. Easson  
D. Evans  
M.Feakins  
R. Harris  
J. Higginson  
G. Howard  
P. Jordan  
P. Murphy  
M. Powell  
A. Webb  
S. Woodhouse

### Gwybodaeth Gyhoeddus

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

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

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

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

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

#### **Y Gymraeg**

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

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

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

#### Pobl yn hyderus, galluog ac yn cymryd rhan

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

#### Ein sir yn ffynnu

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

### Ein blaenoriaethau

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

### Ein gwerthoedd

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

## **Diben**

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

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

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

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

## **Gwneud penderfyniadau**

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

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

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

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

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

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

## **Prif gyd-destun polisi**

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

*Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd*

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

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

#### Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

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

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

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

#### Canllawiau Cynllunio Atodol (SPG):

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

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

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

### Polisi Cynllunio Cyhoeddus

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

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

### **Materion eraill**

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

#### Deddf Cynllunio (Cymru) 2016

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

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

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

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

#### Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

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

#### Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

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

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

(ii) Nad oes dewis arall boddhaol.

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

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

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

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

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

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

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

#### Trefn Troseddu ac Anrhefn 1998

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

#### Deddf Cydraddoldeb 2010

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

#### Mesur Plant a Theuluoedd (Cymru)

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

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

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

### **Pwy all siarad**

#### Cynghorau Cymuned a Thref

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

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

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

#### Aelodau'r Cyhoedd

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

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

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

#### Ymgeiswyr

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

### **Cofrestru Cais i Siarad**

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

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

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

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

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

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

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

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

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

### **Cynnwys yr Arweithiau**

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

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

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

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

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

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# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee**  
**County Hall, Usk - Remote Attendance on Tuesday, 3rd August, 2021 at 2.00 pm**

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

County Councillors: J. Becker, L. Brown, A. Davies, A. Easson,  
D. Evans, R. Harris, G. Howard, P. Jordan, A. Webb and  
S. Woodhouse

### **OFFICERS IN ATTENDANCE:**

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

### **APOLOGIES:**

County Councillors: M. Feakins, J. Higginson, P. Murphy and M. Powell

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

None received.

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

The minutes of the Planning Committee meeting dated 6<sup>th</sup> July 2021 were confirmed and signed by the Chair.

#### **3. Application DM/2020/01801 - Use of domestic garage as a dwelling for a temporary period while building works are undertaken on a consented barn conversion. Campston Mill, Barry-Cathlea Road, Llanvihangel Crucorney, Monmouthshire, NP7 8EF**

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

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

- Consideration should be given to amending condition 2, as follows:
  - The use of the building as a dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to garage use.
- With regard to the date of 14<sup>th</sup> November 2022 in which the use of the building as a dwelling shall cease on or before this date, it was noted that the construction industry is experiencing difficult times making it difficult for contractors to

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance on Tuesday, 3rd August, 2021 at 2.00 pm

complete works on time. Therefore, some flexibility should be considered in respect of this date.

- In response to a question raised, the Development Management Area Manager informed the Committee that the building does have an upper floor. The use of the building would encompass upper floor and lower floor with the use of the building being self-contained living accommodation. The building could only be used for ancillary use when it returns to being a garage. Condition 2 could therefore be amended as follows:
  - The use of the building as a self-contained dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to ancillary residential use.

It was proposed by County Councillor D. Evans and seconded by County Councillor P. Clarke that application DM/2020/01801 be approved subject to the two conditions outlined in the report and that Condition 2 be amended as follows:

The use of the building as a self-contained dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to ancillary residential use.

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

In favour of the application	-	11
Against the application	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01801 be approved subject to the two conditions outlined in the report and that Condition 2 be amended as follows:

The use of the building as a self-contained dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to ancillary residential use.

#### **4. Application DM/2021/00771 - Full Planning Permission - Provision of timber decking under the existing outside seating area. The decking will include four steps and a hand rail. Wye Knot Restaurant, 18A The Back, Chepstow**

Application DM/2020/00771 was withdrawn from the agenda to enable further discussions to take place involving Monmouthshire County Council officers and the applicant.

Following these discussions the application will be presented to a future meeting of Planning Committee for consideration.

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee  
County Hall, Usk - Remote Attendance on Tuesday, 3rd August, 2021 at 2.00 pm**

**5. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:**

**5.1. Her Majesty's Prison Usk, Maryport Street, Usk**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Her Majesty's Prison Usk, Maryport Street, Usk, on 14<sup>th</sup> May 2021.

We noted that the appeal had been dismissed.

**The meeting ended at 2.33 pm.**

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**Application Number:** DM/2019/00799

**Proposal:** To provide a pre-school educational facility, to inform young children about the natural environment by providing safe, natural outside space for supervised walks and activities. In addition, the provision of two holiday let timber pods to provide sleeping accommodation for guests, plus chemical toilet and rain shelter

**Address:** Field Nos 5735 And 4455, Whitecastle, NP7 8UD

**Applicant:** Mr S Watkins

**Plans:** Pods - Plans & Elevations - , Toilet Block Plans & Elevations - , Parking Provision - , PLANTING PLAN & MANAGEMENT PLAN 487.01 - E, Site Location Plan - , Solar Panels Plan - , Biodiversity Management Plan by Ecological Services Ltd, 29.01.2021 - , Noise Management Plan 13.08.2020 - , BP2667/00 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mr David Wong  
Date Valid: 29.05.2019

**This application is presented to Planning Committee due to an objection from the Llantilio Crossenny Community Council and they wish to address the Committee accordingly**

### **1.0 APPLICATION DETAILS**

#### **1.1 The Proposal**

1.1.1 The site lies outside any village or town development boundary as defined in the Monmouthshire Local Development Plan (LDP) and, therefore, is classed as open countryside. The application is for a pre-school educational facility and the provision of two holiday let timber pods (each measures 4.3m long, 2.3m wide and 2.5m high, inclusive of the stand), plus a lean-to timber toilet block (6m long, 2.7m deep and 2.4m high), a lean-to timber shelter building (3.8m long, 2.6m deep and 2.7m high), two open-ended covered areas and an area for parking.

1.1.2 The two open-ended covered areas would be constructed with a timber frame and a canvas roof. Covered area A is located in the woodland itself, measuring some 9.3m wide, 6m deep and 5.5m high - including the platform. Covered area B is located on the edge of the woodland, measuring some 9.2m wide, 9.2m deep and 3.2m high. The parking area can accommodate up to 14 cars. Please note that this is a retrospective planning application as the structures are already in place.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2019/00799	To provide a pre-school educational facility, to inform young children about the natural environment by providing safe, natural outside space for supervised walks and activities. In addition, the provision of two holiday let timber pods to provide sleeping accommodation for guests, plus chemical toilet and rain shelter.	Pending Determination
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### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

- S5 LDP Community and Recreation Facilities
- S8 LDP Enterprise and Economy
- S10 LDP Rural Enterprise
- S11 LDP Visitor Economy
- S12 LDP Efficient Resource Use and Flood Risk
- S13 LDP Landscape, Green Infrastructure and the Natural Environment
- S16 LDP Transport
- S17 LDP Place Making and Design

#### **Development Management Policies**

- DES1 LDP General Design Considerations
- EP1 LDP Amenity and Environmental Protection
- EP3 LDP Lighting
- LC5 LDP Protection and Enhancement of Landscape Character
- MV1 LDP Proposed Developments and Highway Considerations
- NE1 LDP Nature Conservation and Development
- SD2 LDP Sustainable Construction and Energy Efficiency

#### **Supplementary Planning Guidance**

Sustainable Tourism Accommodation

<https://www.monmouthshire.gov.uk/app/uploads/2016/10/Sustainable-Tourism-Accommodation-SPG-November-2017.pdf>

Monmouthshire Parking Standards (January 2013)

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

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

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

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

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

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Llantilio Crossenny Community Council** recommend this application for refusal. There is a footpath through the land and there has been no application to divert this path. It is on single track lane therefore unsuitable for the extra traffic that this will attract on a daily basis and the proposed access to site does not seem adequate. Members also object to the fact that the buildings all seem to already be in place and the business advertised as open prior to planning application being sought / approved.

**MCC Highways** - Additional information has been submitted, detailing the access and the parking arrangement of the proposal. There is no objection to the current proposal from a highway perspective. The introduction of the additional vehicle movements on the adjacent local network associated with the proposed size and scale of the development would not lead to a deterioration in highway safety or capacity. Access to the proposal is intended to be via an existing means of access that is shared with the property known as Meadow Leigh. The proposed car parking area is considered adequate for the planned use of the site and its use as a pre-school and holiday accommodation.

**MCC Public Rights of Way** - No objection. The applicant's attention should be drawn to Public Footpath no. 175 in the community of Llantilio Crossenny which runs through the site of the development. Relevant informative is requested.

**MCC Ecology** - We welcome the updated landscape plan that reflects the recommendations of the biodiversity management plan. However, the updated plans of the toilet block and pods do not show the position of the lights proposed on the buildings or detail the specification, siting only solar lights at 2m height. Therefore, we recommend that you secure this detail by condition if you are minded to grant consent.

**MCC Environmental Health** - A noise management plan submitted by the applicant is considered to be a good start to address an issue raised at this stage. The applicant should manage noise in accordance with the submitted noise management plan which should be periodically reviewed.

**MCC Landscape and GI** - Additional information has been submitted to address my initial landscape concerns. I have no further objection to the proposal from a landscape and GI perspective.

**MCC Trees** - I have not visited the site; however, there is sufficient photographic evidence within the application file for me to make comment. The structures, which are already in place within the woodland, are of light construction only and in my opinion they will have little if any effect on existing trees. Accordingly, I have no adverse comments to make on this application.

**Natural Resources Wales (NRW)** - The proposal intends to utilise compost toilets and we have no objection to the proposal. Please note that with respect to the discharge of effluent to ground or surface water, the applicant will need to apply for an environmental permit or register an exemption with us.

**Glamorgan Gwent Archaeological Trust (GGAT)** - The application is for a pre-school educational facility and the provision of two holiday let timber pods, chemical toilet and rain shelter. We note the application's supporting documents and that the ground works are of a relatively limited scale. Furthermore, a review of the Historic Ordnance Survey maps (dated 1881 to 1920), shows the development area as largely open land, apart from the southern extent, which is located within the Archaeologically Sensitive Area. This area was utilised as a quarry which would have had an adverse effect on any potential archaeological remains and the impact of the proposed development upon the archaeological resource is considered to be low. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

Ramblers Association - No response to date.

The Open Space Society - No response to date.

## 5.2 Neighbour Notification

Middle Whitecastle and Pear Tree Barn both objected to this application (two households). Their objections can be categorised as below:

- General dislike of proposal
- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Inadequate public transport provision
- Increase in traffic
- Increase in pollution
- Information missing from plans
- Loss of privacy
- Noise nuisance
- Not enough information given on application
- Out of keeping with character of area
- Over development
- Potentially contaminated land

## 6.0 EVALUATION

### 6.1 Principle of Development

6.1.1 Planning Policy Wales Edition 11 (PPW11) encourages tourism in rural areas. It says that it is vital to economic prosperity and job creation. Tourism can also assist in enhancing the sense of place in an area which has intrinsic value and interest for tourism.

6.1.2 It is considered that this rural part of Monmouthshire is ideally suited for low key sustainable tourism, the landscape has a lot to offer and does attract tourists; this in turn helps local business and the local economy. PPW11 encourages appropriate tourism-related development especially where it does not damage the environment or the amenity of residents.

6.1.3 The site lies in open countryside. There is a presumption against development in the open countryside unless it complies with national planning policy and/or specific local development planning policies. The proposal comprises two key elements and they are:

- Provision of a Forest Nursery; and
- Tourist accommodation

These will be addressed in turn in relation to the principle of development before discussing the planning material considerations.

#### 6.1.4 Provision of a Forest Nursery

The site is in the open countryside to the north-west of Llantilio Crossenny, in the area known as White Castle. The proposal explains that the nursery would be held outside and would primarily operate within the covered areas currently on site. It is understood that the nursery would operate as follows:

- 3 to 4 hours per day on weekdays;
- The nursery would have capacity for 12 children;
- Children would be dropped off and picked up by their parents;
- The existing structures (i.e. the two covered areas and the shelter) would be utilised to serve the nursery use;
- The toilet block is a compost toilet and would serve both the nursery and the holiday let pods; and
- In severe weather conditions the nursery would close, or day trips would be held to local attractions.

6.1.5 The use, as described, would be akin to a recreational and educational use. National Planning Policy offers supports recreational facilities in the countryside providing they are acceptable in terms of relevant material planning considerations. Policy S5 of the LDP supports community and recreational facilities in the open countryside, adjacent to villages. The development is not immediately adjacent to a village but is within the vicinity of Llantilio Crossenny and, therefore, Policy S5 of the LDP is considered relevant.

#### 6.1.6 Tourism accommodation in Open Countryside

The proposal is to provide two wooden pods at the wooded area and a toilet block located in the site boundary. The LDP supports sustainable forms of tourism accommodation as covered in Policy S11. Supplementary Planning Guidance 'Sustainable Tourism Accommodation' (published November 2017) (hereafter referred to as the STA SPG) provides detailed guidance in terms of the type of tourism accommodation that will be supported in open countryside locations in relation to Policy S5. The type of accommodation that is considered to be sustainable includes yurts, teepees, bell tents, wooden pods, shepherd's huts, tree houses, glamping, etc., that are easily reversible developments. The wooden pods, therefore, would be considered a sustainable form of tourism development. Images of the types of pods considered acceptable are contained in STA SPG.

6.1.7 Given the above, there is no policy objection to the principle of the application subject to detailed planning material considerations.

6.1.8 The STA SPG highlights that in general, this type of holiday accommodation i.e. the wooden holiday pods, should be taken down or relocated out of season. However, the necessity for this will need to be considered on a case by case basis depending on site context and landscape/visual impacts. In this instance, it is accepted that some of the structures can be seen from certain viewpoints when walking through the woodland and along the public footpath. However, the site is heavy surrounded by mature vegetation and the impact of the proposals upon the wider landscape is limited. Therefore, it is not considered that they will significantly harm the character or appearance of the area.

It is therefore considered to be unreasonable to restrict the use of these holiday pods to a seasonal basis.

## 6.2 Sustainability

6.2.1 The proposal comprises two key elements and they are:

- Provision of a Forest Nursery; and
- Tourist accommodation

These will be addressed in turn.

#### 6.2.2 Provision of a Forest Nursery in the Open Countryside

The use, as described, would be akin to a recreational and educational use. The proposal is considered to be a new facility in the open countryside and due to its location, it is reliant on access via private motorised vehicles. This element of the application is to provide shelters and/or a place for outdoor learning and play activities, which is unique in its own right. There is no specific

policy within the LDP that deals with this type of development. Therefore, this application has to be treated on its own merits.

6.2.3 Policy S5 of the LDP relates to Community and Recreation Facilities; it is a positive policy. This policy supports recreation facilities, including formal sport, recreation and leisure pursuits such as team games, children's play facilities, as well as more informal activities such as walking in the countryside. It recognises that not all outdoor recreational facilities have good access to public transport and are within walkable distance to many homes i.e. they are not exclusive to urban and sustainable locations. Given the above, it is considered that the running of a forest nursery can be accepted in this part of the open countryside. Whilst there is a general presumption in favour of community facilities, they should not erode the character and appearance of the natural and built environment, nor the design qualities of their location. In terms of landscape, the applicant has further provided a revised planting and management plan that provides sufficient information and aftercare prescriptions and those of the parking area and open field classroom. The Council's Landscape and GI Officer has reviewed the information and offers no landscape objection to this application. Given the above, the shelter and the covered areas offer a place for a forest nursery for outdoor learning and play in the open countryside, which is in accordance with the aims of Policy S5 of the LDP.

#### 6.2.3 Tourism accommodation in Open Countryside

The STA SPG supports sustainable forms of tourism, and its sustainability in this case is defined by its degree of permanency and its scale. The key is that new build should be low impact. The two wooden holiday pods therefore should be moveable and once removed it would be like they were never there before i.e. the site can be restored easily. This is a retrospective application and so the impact of these wooden pods can already be judged. The site is generally well-screened by existing mature trees, minimising their visual impact.

6.2.4 The LDP supports sustainable forms of tourism accommodation as covered in Policy S8, S10 and S11. STA SPG states that proposals for development must reflect the following key principles and they are addressed in turn:

- Generate benefits for the local economy (residents and visitors): In this case the actual location of the holiday let wooden pods is not sustainable but the very nature of this type of holiday destination tends to be in isolated rural locations. The proposal may benefit the local economy if the visitors stay longer in the county as a result of the accommodation provision.
- Protect and enhance landscape character and natural/historic environment: The visual aspect of the application is considered acceptable by the Council's Landscape Officer.
- Scale and design appropriate to site context: The two wooden pods are small scale and are similar in scale and function similarly to the wooden pods/ tents image that is considered acceptable within the adopted STA SPG.
- Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique): The wooden pods are locally adapted, finished in timber cladding which respect the surrounding forestry.
- Generate minimal car trips: The pods are located immediately adjacent to a very popular walking footpath. Therefore, holiday makers who are keen walkers will be able to access this facility without the need to use any motorised vehicles.
- Make use of renewable energy resources (energy efficient): Solar panels are used on site to general light source.
- Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure): No permanent hardstanding is required underneath the pods and the toilet block. There are areas of slab by the wooden pods but they are capable of removal and the areas can be restored. Therefore, the principle of small scale tourist development in this location is acceptable and policy compliant.

## **6.3 Landscape**

6.3.1 The proposals because of their scale and location, surrounded by woodland, will conserve the setting this part of the open countryside. The level of landscaping proposed is acceptable and the proposal would not cause significant visual intrusion or change the character of the natural landscape. The proposal is sensitively sited within the landscape and therefore accords with the objectives of Policy LC5 of the LDP.

## **6.4 Good Design/Place Making**

6.4.1 PPW 11 sets out that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. The timber clad shelter that is located adjacent to the car park is considered small scale and has the appearance of a small stable block. Due to the topography of the land and the fact that it is located along the boundary hedge, only glimpses of the shelter are visible from the road. The wooden holiday pods and the toilet block are small scale and are sensitively located. The two open-ended covered areas are constructed with a timber frame and a canvas roof; they are rustic in appearance and low key. The use of timber reflects the location within a woodland setting and a landscaping scheme has been submitted with the application. The Council's Landscape and GI Officer has considered the proposal and has no objection to the proposal from a landscape and GI perspective. Given these factors, it is not considered that there will be an adverse impact on the localised and wider landscape character. The proposal accords with the objectives of LDP Policy DES1 as it would contribute to a sense of place and the amount of development is compatible with existing land uses. The scale and design of the pods are appropriate for this setting and do not impinge on any natural views within this part of the open countryside. The proposed landscaping will enable the structures to integrate into their surroundings, in accordance with Policy DES1 of the LDP.

## **6.5 Historic Environment**

6.5.1 White Castle is a Scheduled Ancient Monument. The proposal is small scale, discreet and is located approximately 760m away from White Castle. Also, the site is within a woodland setting. Therefore, it is considered that there is no direct harmful impact on the setting of the Castle.

6.5.2 The Glamorgan Gwent Archaeological Trust (GGAT) were consulted but have no objections to the positive determination of this application.

## **6.6 Biodiversity**

6.6.1 This is a retrospective application as the associated works have already been completed and the structures are already in place. A Biodiversity Management Plan has been submitted following a request by the Council's Ecologist and as a consequence of that information there is no objection to the proposal from a biodiversity and ecological perspective. However, the updated plans do not show the position of the lights proposed on the buildings or detail the specification, siting only solar lights at 2m height. Therefore, it is recommended to secure this detail by condition if Members are minded to grant consent. Therefore, a lighting condition will be requested accordingly. Given the above, the proposal is in compliance with LDP Policy NE1.

## **6.7 Impact on Amenity**

6.7.1 There are two residential properties west of the application site. The nearest property, Pear Tree Barn, is over 120 metres and Middle Whitecastle is over 170 metres from the site of the wooden holiday pods and they are set at a higher level. The wooden pods are situated within a woodland setting. Based on the distance, no overlooking, no sense of overbearing and no overshadowing is possible. In addition, following the submission of a Noise Management Plan, the Council's Environment Health Officer offers no objection and advises that the applicant should manage noise in accordance with the submitted Management Plan. An advisory note is recommended to be added suggesting the Noise Management Plan should be periodically

reviewed and updated. In the light of this, the proposal is considered to be in compliance with Policy EP1 of the LDP.

## **6.8 Highways**

6.8.1 There is informal parking at the entrance of the site for 14 cars to serve the application site. There will be no direct vehicular access from the parking to the wooden pods, the covered areas and the toilet block. The highway authority offers no objections to the proposal from a highway safety perspective. Highways confirmed that the introduction of the additional vehicle movements on the adjacent local network associated with the proposed size and scale of the development would not lead to a deterioration in highway safety or capacity. Access to the proposal is intended to be via an existing means of access that is shared with the property known as Meadow Leigh. The proposed car parking area is considered adequate for the planned use of the site and its use as a pre-school and holiday accommodation. Given the above, there is no substantive technical reason to object to this application.

6.8.2 Should planning permission be granted then the access condition (no.10) set out below would be required.

## **6.9 Flooding**

6.9.1 The site is not in a designated flood zone identified in the DAM maps of TAN15.

## **6.10 Foul Drainage**

6.10.1 The site is within the Phosphorus Sensitive Area Wye Valley Catchment. The toilet block is located more than 40m from any surface water feature, and is located more than 50m from a SAC boundary. No new private treatment plan is proposed and foul water from the proposal will go to a compost toilet. NRW offers no objection to this method of foul drainage.

6.10.2 There is ample distance from the compost toilet to the nearest dwellings in the locality so as to avoid any harm to amenity by way of smells.

## **6.11 Response to the Representations of Third Parties and/or Community/Town Council**

6.11.1 Two neighbouring properties objected to this application with the following reasons and they will be addressed in turn.

- Affect local ecology: There is no objection from the Council's Biodiversity and Ecological Officer.

- Close to adjoining properties: The wooden pods are in excess of 100m away from the two neighbouring properties. Also, the wooden pods are surrounded by a woodland.

- Conflict with local plan: The application is in compliance with the National Policy (PPW11) and the Local Policy (LDP).

- Inadequate public transport provisions: There is no objection from the Council's Highways Department. The nature of this form of proposed use is that it will inevitably be in a location not well served by public transport.

- Increase in traffic: There is no objection from the Council's Highways Department.

- Increase in pollution: None of the consultees raised objection to this element.

- Information missing from plans: The level of submitted information is considered acceptable in this instance and the application is considered to be valid.

- Loss of privacy: The wooden pods are in excess of 100m away from the two neighbouring properties. Also, the wooden pods are surrounded by a woodland.

- Noise nuisance: The Council's Environmental Health Officer offers no objection to this element.
- Out of keeping with character of area: The Council's Landscape and GI Officer offers no objection to the application.
- Over development: The proposal is small scale and the Council's Landscape and GI Officer offers no objection to the application.
- Potentially contaminated land: There is no known contamination issue and none of the consultees raised any issue about this element.
- Is the car park safe? The Council's Highways Department offers no objection to the application.
- The existing structures do not have planning permission: it is apparent that the structures have already been erected on site without planning permission. However, an individual is entitled to submit a retrospective planning application which will be treated on its merits.
- The nursery hours are unclear: Having spoken with the applicant, the nursery could use the site from 1 to 5 hours. The purpose of the shelter and the covered areas are designed for outdoor learning in the open countryside. In this case, it is described specifically for children. However, it is in the open countryside, which can be enjoyed by anyone at any age. Therefore, it would be unreasonable to place a restriction as to who and how long people can use them. Any misuse of the site should be reported to the nursery/user groups. If statutory nuisance occurs, there are other statutory powers to manage these instances.
- There are hardstandings on site: The wooden pods are removable. There are areas of slabs near the wooden pods. However, they can be removed and these areas can be restored to replicate the surroundings.
- The pods and toilet block are not in keeping with the character of the wood: There is no objection from the Council's Landscape and GI Officer.
- It is inappropriate to have a bath between the pods, and walkers and nursery children might see people bathing: This is not a planning material consideration.
- The location of the site notice: There is no requirement as to where about the site notice should be posted. The site notice was posted on site and the consultation letters were issued to the nearby neighbours. Therefore, the publicity for this planning application is fulfilled.
- The site might continue to develop and evolve into something different: We can only consider the application as submitted. If the business wishes to expand, it will be considered on its own merits.
- There is nothing to stop passing walkers using the toilet facilities: This is not a planning material consideration.
- Will there be noise level restrictions for holiday makers?: The Council's Environmental Health Officer offers no objection to the application and advises that applicant should manage noise in accordance with the submitted Noise Management Plan.
- Surely OFSTED will not allow any such facility at a school i.e. open-air bathing facility in sight of the footpath and the children attending the school: This is not a planning material consideration.
- The toilet facility is not COVID compliant: This is not a planning material consideration. In addition, users can choose to use the toilet facility or not.

Llantilio Crossenny Community Council resolved to recommend this application for refusal. They have concerns that the single track lane is unsuitable for the extra traffic generated from the proposal and that the access of the site is adequate. Also, they pointed out that the buildings all

seem to already be in place and the business advertised as open prior to a planning application being sought / approved.

There is no objection to the current proposal from a highway perspective. The Council's Highways Department advises that introduction of the additional vehicle movements on the adjacent local network associated with the proposed size and scale of the development would not lead to a deterioration in highway safety or capacity. Access to the proposal is intended to be via an existing means of access that is shared with the property known as Meadow Leigh. The proposed car parking area is considered adequate for the planned use of the site and its use as a pre-school and holiday accommodation.

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

6.12.1 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.

## **6.13 Conclusion**

6.13.1 The proposed tourism accommodation is of such a scale that it will not damage the environment and is sufficient distance from existing residential properties so as not to cause any harm to amenity. Policy S11 of the LDP supports the development of sustainable tourism as does the STA SPG.

6.13.2 The STA SPG recognise that tourism plays a significant role in the Monmouthshire economy particularly in assisting the diversification of the rural economy. The visitor economy provides jobs, services and facilities that are essential to the wellbeing and enjoyment of local communities and residents of Monmouthshire. Given the importance of tourism to the Monmouthshire economy, the need to safeguard, provide and enhance the County's visitor facilities, including the accommodation offer, is essential if Monmouthshire is to realise its potential as a high quality and competitive visitor destination. Reflecting this and the aims of national planning policy, there is a desire to encourage and plan for sustainable forms of tourism accommodation in Monmouthshire. The LDP provides a positive planning framework to enable appropriate tourism development. The proposal to provide two wooden holiday pods and a toilet block on the site accords with the objectives of PPW11 and the advice given in STA SPG.

6.13.3 The provision of the forest nursery is unique in this instance; it is considered to be a new facility in the open countryside and due to its location, it is reliant on private motorised vehicles. Policy S5 of the LDP supports and recognises that outdoor recreational facilities are not exclusive to urban and sustainable locations. Given the above, it is considered that the running of a forest nursery in this part of the open countryside can be accepted. The submitted planting and management plan provides sufficient information and aftercare, and is acceptable from the landscape and GI perspective. There is no objection from the Council's Highways Department in relation to the access, use of the land and the submitted parking provision. In terms of Environmental Health matters, the Council's Environmental Health Officer is content with the submitted Noise Management Plan and the Countryside Department offers no objection from the Biodiversity and Ecology perspective. Given the above, this application is supported and recommended accordingly.

## **7.0 RECOMMENDATION: APPROVE**

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

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

2 The two wooden pods shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

3 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

4 None of the wooden pods hereby permitted shall be replaced by any other structure(s) or glamping/sustainable accommodation differing from the approved details, unless and until details of the size, design and colour of such replacements have first been approved in writing by the Local Planning Authority.

REASON: To ensure compliance with the approved plans, for the avoidance of doubt and to safeguard the amenities of the area.

5 There shall be no more than two wooden pods on the site at any one time.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with the approved plans.

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

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policy NE1.

7 The development shall be carried out in strict accordance with the approved "Biodiversity Management Plan produced by Ecological Services Wales Ltd dated 29th January 2021"

REASON: Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1, PPW 11 and the Environment (Wales) Act 2016.

8 All planting, seeding or turfing comprised in the approved details of landscaping on the plan entitled "Planting Plan and management plan by Catherine Etchell Associates dated July 2021 dwg ref. 487.01 rev.E 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.

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

9 The development hereby approved shall be operated in strict accordance with the submitted Noise Management Plan (NMP), dated 13.08.2020, in perpetuity.

REASON: To ensure the facility is properly managed and compliance with LDP Policy EP1.

10 The existing vehicular access, as shown on Site Location Plan 1:12500, shall be improved via the requirements below within 3 months of the date of this permission and shall remain in place in perpetuity:

- Visibility splays 2.4m x 80m shall be provided and maintained in perpetuity

- The proposed shared access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the edge of the adjacent carriageway.
  - The proposed shared access shall be at least 3m wide for a distance of 5m from the edge of carriageway.
  - Any entrance gates shall be set back at least 5m distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
- REASON: To ensure the access is constructed and maintained in the interests of highway safety and to ensure compliance with LDP Policy MV1.

11 The two open-ended covered areas shall be used as a pre-school educational facility only and no other purposes.

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

## **INFORMATIVES**

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

2 The applicant's attention is also drawn to:

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

3 The applicant's attention should be drawn to Public Footpath no. 175 in the community of Llantilio Crossenny which runs through the site of the development and immediately adjacent to some of the proposed structures but not on the alignment indicated on the application plan.

4 Public Path no.175 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of works or private vehicular use must be made good by the applicant. If the path needs to be temporarily closed to allow works the applicant should apply for a temporary traffic prohibition order.

If the path needs to be diverted to accommodate the proposed development the applicant should contact Public Rights of Way to apply for a path order. Importantly, path orders are not guaranteed to succeed.

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

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

**Application Number:** DM/2020/00636

**Proposal:** Sheep housing/ general purpose agricultural building.

**Address:** Henrhiw Farm, Monkswood, Usk

**Applicant:** Mr Gregory Lippiatt

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

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton

Date Valid: 19.05.2020

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

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

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

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

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

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

The building the subject of the current application will be positioned to the north-east of the existing open fronted building, adjacent to the access leading to the Glascoed Ordnance factory.

Part of the hardstanding on which the structure would be erected is currently unauthorised and the subject of a retrospective application for planning permission- DM/2020/01153 refers

## 1.2 Value Added

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

## 1.3 Proposal Description

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

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

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

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01131	Proposed new agricultural building for the storage of farm machinery in a secure building.	Withdrawn	16/07/2018.
DM/2019/01955	Proposed agricultural building for storage use.	Withdrawn	20.12.2019
DM/2019/01998	Retention of temporary rural enterprise worker's dwelling.	Withdrawn	19.05.2020
DM/2020/01292	Retention of a temporary rural enterprise worker's dwelling.	Pending Consideration	
DC/2017/01102	Proposed erection of agricultural building - 120 x 40ft.	Approved	18.10.2017

DC/2017/01370	Proposed new agricultural building for the purpose of storage of farm machinery in a secure building, including hard standing area for turning machinery.	Approved	16.01.2018
DM/2020/01153	Retrospective planning application for hardstanding area.	Pending Consideration	

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

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

#### Development Management Policies

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

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

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

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

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

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

**MCC Urban Design Officer** - Concerns raised by conditions recommended.

**MCC Ecology** – Conditions recommended

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

**MCC Highways Authority** - No objection.

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

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

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

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

**HM Explosives Inspectorate** - No response received.

## 5.2 Neighbour Notification

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

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

## 5.3 Local Member Representations

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

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

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

## **6.0 EVALUATION**

### **6.1 Principle of Development**

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

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

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

Based on the information submitted, the building is required for the purposes of agriculture to house sheep. The applicant currently has a flock of approximately 135 Dorset ewes and intends to increase the number of breeding ewes to 350 over the next 3 years. Although there are other

buildings on the yard, the roller shuttered door building is not suitable for the accommodation of livestock due to layout and reduced ventilation, air movement and circulation. The agent has advised that despite being used at the current time, the existing open fronted building to the south-west of the current proposal is too small for long term use by the intended flock size and is needed for the storage of existing implements and machinery.

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

Regulation 4(2) of the above states:-

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

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

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

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

Category of Sheep relative to Space allowance

- a) Lowland ewes (60 - 90 kg liveweight) - 1.2 - 1.4 m<sup>2</sup> floor space per ewe during pregnancy.
- b) Lowland ewes after lambing with lambs at foot up to 6 weeks of age 2.0 - 2.2 m<sup>2</sup> floor space per ewe and lambs.
- e) Lambs up to 12 weeks old - 0.5 - 0.6 m<sup>2</sup> floor space per lamb.
- f) Lambs and sheep 12 weeks to 12 months old - 0.75 - 0.9 m<sup>2</sup> floor space per lamb/sheep.

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

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

The following information has been provided by the agent:

"The proposed building measures 54.9m x 12.1m (664m<sup>2</sup>) which would provide sheep housing and storage for hay and straw bedding. This enables the bales to be easily collected from the

storage area within a single building during the busy lambing period – which is particularly useful if it is snowing or during the night.

Recommended space requirements for a large ewe and lambs up to 6 weeks old are 2.2m<sup>2</sup> of floor space per ewe plus 0.4m<sup>2</sup>/ewe for a separate creep area for lambs which would be housed during the winter period – equating to a space requirement of 2.6m<sup>2</sup>/ewe.

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

Thus, the building would provide space for:  
Lambing area - 175 ewes x 2.6 = 455m<sup>2</sup>  
Mothering up - 30 ewes x 2.0 = 60m<sup>2</sup>  
Storage of bedding/ straw and hay = 150m<sup>2</sup>

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

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

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

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

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

Other requirements of Policy LC1

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

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

The building would be positioned on the south-eastern edge of an existing yard area, adjacent to other farm buildings. The other farm buildings are approximately 6.2m in height and the proposed building would be 6.72m. The limited difference in height and similar appearance with the existing buildings would ensure the proposed building would read in the landscape as a natural addition to the farmyard, assimilating with the existing landscape and would meet criteria a) and b) of Policy LC1.

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

The proposed building is designed for an agricultural purpose and has a typical form of building of this nature found in a rural context. Although the building would have a larger footprint than the others on site it would be similar in height (as discussed above). Given its close positioning to the

existing buildings and access to the site, it is considered that the scale and bulk of the building would not appear incongruous and would respect the surrounding countryside setting.

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

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

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

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

## 6.2 Design and Visual Impact

The building will be a steel portal framed, pitched roof building with a floor area of 669m<sup>2</sup>. Externally the elevations and roof would be finished with olive coloured plastic-coated sheets. The north-western elevation would be open fronted with the exception of installation of 'Gale Breaker' material during lambing. It is considered that the development proposed would appear agricultural in form and appearance and would be in keeping with the yard setting.

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

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

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

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

## 6.3 Residential Amenity

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

the accommodation of livestock for a longer period than that approved by A.2(1)(a), which in turn could generate noise and odour issues for adjacent residential properties.

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

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

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

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

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

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

#### 6.4 Biodiversity

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

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

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

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

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

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

#### 6.5 Highway Safety

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

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

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

In response the Agent has provided the following response:

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

The proposal does not involve any discharge of roof water to the ground or neighbouring watercourses and so does not present any increase in flood risk. (It is proposed that) the roof water will be captured and used to replace mains drinking water for the sheep flock. A proposed rainwater harvesting system will remove a significant load of water ultimately accessing the watercourses during heavy rainfall periods, thereby reducing flood risk further downstream or impacting upon water quality due to run-off.

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

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

maintenance requirements of the system to ensure that it functions efficiently for an extended period of time.

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

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

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

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

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

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

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

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

Change in water chemistry (including pollution, nutrient enrichment and pH changes) have been identified as a hazard potential to cause significant impacts on interest features of the SAC. In mitigation, it is recommended that conditions be imposed on any grant of consent requiring the developer to submit a Construction Environmental Management Plan with specific information submitted with regards to:

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

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

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

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

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

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

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

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

The plans do not accurately depict adjacent properties;

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

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

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

Adverse noise impact

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

The neighbour's comments regarding industrial type noise emanating from the site are noted. The Agent has advised that a former agricultural equipment renovation and sales enterprise has now been relocated and has departed from the site. Use of the building for such a use would be a breach of planning control and could be the subject to future enforcement action

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

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

There is currently a dwelling on site.

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

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

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

## **6.9 Conclusion**

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

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

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

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

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

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

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

The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features

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

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

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

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

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

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

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

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

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

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

are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

The plan shall include:

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

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

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

## **INFORMATIVES**

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

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

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

**Application Number:** DM/2021/00724

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

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

**Applicant:** Mr Royston Downing

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

## **RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT**

Case Officer: Mrs Helen Hinton  
Date Valid: 27.04.2021

**This application is presented to Planning Committee following the consideration by the Delegated Panel and the recommendation to defer to Planning Committee.**

**The application was originally presented to Delegated Panel following receipt of public and Community Council objections.**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

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

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

#### **1.2 Proposal Description**

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

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

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/00724	Proposed new build detached dwelling to side of No. 2 Ifton Road	Pending Determination	
DC/1982/01162	Demolish Garage & Rebuild APP_TYP 01 = Full DEV_TYP 06 = Garage MAP_REF = 346264188019	Approved	27.01.1983
M07949	2 Storey Extension Directly Over Existing Garage.	Approved	23.01.2003
DC/1982/00415	C/U To Hairdressing Salon APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188019	Approved	14.07.1982
DC/1984/00391	C/U Into Two Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 342650188020	Approved	14.06.1984
DC/1974/00423	C/U To 2 Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346270188020	Approved	14.05.1975
DC/1980/00999	C/U For Motor Vehicle Repair APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188027	Refused	12.11.1980
DC/1989/01183	Change Of Use From Hairdressing Salon To Single Bed Studio Flat.	Refused	08.12.1989
DC/1990/00695	Change Of Use From Hairdressing Salon To Video Shop.	Refused	06.08.1990
DC/1990/00052	Non-illuminated Sign.		09.07.1990
DC/1990/00048	To Use Existing Front Room Ground Floor As A Video Shop.	Refused	03.05.1990

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

#### **Strategic Policies**

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

#### **Development Management Policies**

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

#### **Supplementary Planning Guidance**

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

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

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

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

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

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

#### **Planning Policy Wales (PPW) Edition 11**

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

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

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

## **Technical Advice Notes**

Technical Advice Note (TAN) 24- The Historic Environment

### **5.0 REPRESENTATIONS**

#### 5.1 Consultation Replies

**Rogiet Community Council** – Raise an objection:

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

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

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

**MCC Highways** – No objection.

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

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

SEWBRc Search Results - No significant ecological record identified.

#### 5.2 Neighbour Notification

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

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

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

An additional dwelling will generate increased noise and disturbance.

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

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

## 6.0 EVALUATION

### 6.1 Principle of Development

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

### 6.2 Sustainability

#### 6.2.1 Good Design, Placemaking and Landscape

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

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

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

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

#### 6.2.2 Green Infrastructure and Biodiversity

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

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

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

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

### **6.3 Historic Environment**

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

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

### **6.4 Impact on Amenity**

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

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

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

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

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

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

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

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

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

## **6.5 Highways**

### **6.5.1 Sustainable Transport Hierarchy**

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

### **6.5.2 Access / Highway Safety/ Parking**

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

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

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

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

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

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

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

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

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

## **6.6 Affordable Housing**

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

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

The proposal is therefore considered compliant with LDP Policy S4.

## **6.7 Drainage**

### **6.7.1 Foul and surface water drainage**

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

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

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

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

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

## **6.8 Planning Obligations**

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

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

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

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

These matters have been addressed in the preceding sections.

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

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

## **6.11 Conclusion**

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

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

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

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

### **Conditions or Reasons for Refusal:**

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

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

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

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

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

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

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

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

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

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

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

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

## **INFORMATIVES**

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

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



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/06/21

gan J Burston, BSc MA MRTPI AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/7/21

## Appeal Decision

Site visit made on 29/06/21

by J Burston, BSc MA MRTPI AIPROW

an Inspector appointed by the Welsh Ministers

Date: 26/7/21

**Appeal Ref: APP/E6840/A/21/3274383**

**Site address: Bushes Farm, Earlswood, NP16 6RH**

**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 grant of planning permission subject to conditions.
- The appeal is made by Mr Harry against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/00881 dated 6 July 2020, was approved on 5 March 2021 and planning permission was granted subject to conditions.
- The development permitted is *"Removal of condition 1 from planning consent 2314 (date of decision 01/09/1975): Occupation of the proposed bungalow shall be limited to a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependant of such person residing with him."*
- The conditions in dispute is No 1 which states that:  
*"The occupancy of the dwelling shall be restricted to those:*
  - a) solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*
  - b) who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either a) and b);*
  - c) widows, widowers or civil partners of the above and any resident dependants."*
- The reason given for the condition is:  
*"To meet the needs of other rural enterprises or persons seeking affordable housing in the locality if it is no longer needed by the original rural enterprise in accordance with Technical Advice Note (TAN)6 Planning for Sustainable Rural Communities (2010)."*

## Decision

1. The appeal is dismissed.

## Background and Main Issue

2. Planning permission<sup>1</sup> was granted at the appeal site in 1975 for the construction of a bungalow. This permission was granted subject to a number of planning conditions, one of which was to restrict the occupancy of the bungalow to *"a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of*

<sup>1</sup> Planning permission reference 2314.

*the Town and Country Planning Act 1971, or a dependant of such person residing with him”.*

3. On the 6 July 2020 an application<sup>2</sup> was made to the Council to remove or vary the planning condition set out above under section 73 of the Town and Country Planning Act 1990 (the Act). The Council approved the planning application on 5 March 2021 by varying the aforementioned condition to reflect the model occupancy condition set out in Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN6).
4. This appeal seeks to remove condition<sup>1</sup> attached to planning permission DM/2020/00881. The removal of this condition would mean that the dwelling would become unencumbered and could be occupied by any persons.
5. The Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (the Circular), establishes six tests to ensure the validity of planning conditions, namely: necessary; relevant to planning; relevant to the development permitted; enforceable; precise; and reasonable in all other respects. In this respect the Circular also states at paragraph 3.2 that *“In considering whether a particular condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition.”*
6. Accordingly, the main issue in this case is whether the disputed condition is reasonable and necessary, having regard to national planning policy concerning the provision of dwellings within the countryside.

## **Reasons**

7. The appeal site comprises a bungalow, set in grounds amounting to some 0.25 acres. The dwelling lies within the settlement of Earlswood, however it is remote from other houses and is located in the open countryside for planning purposes.
8. The appellant has set out that the appeal property was essentially abandoned over 12 years ago and productive agricultural use of the land adjoining the bungalow ceased in 1989. Since this date there have been incremental sales of land parcels which were formerly connected to it. Moreover, some of the land neighbouring the site is designated as a SINC<sup>3</sup> which limits the agricultural activities that can be conducted on it. Having been unoccupied for over 12 years the bungalow is now in a poor condition. Whilst the appellant has tried to undertake the repair work himself funding for it has not been viable given the occupancy condition.
9. Planning Policy Wales, edition 11 (PPW) establishes promoting and diversifying our rural economy as a key issue to ensure it is fit for the future and economically sustainable while ensuring that unnecessary development in the countryside is controlled. Moreover, PPW paragraph 4.2.37 states that *“In order to ensure that rural enterprise dwellings are retained for their intended purpose a condition restricting the occupancy of the property must be applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.”*

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<sup>2</sup> Planning Permission reference DM/2020/00881

<sup>3</sup> Sites of Importance for Nature Conservation

10. The Practice Guidance<sup>4</sup> accompanying TAN 6 states in paragraph 1.6 that “*the underlying objective of limiting sporadic development in the countryside remains unchanged, but the Welsh Government has recognised that there is a wider concern in respect of access to appropriate and affordable housing on the part of the rural community*”
11. From the evidence before me it would seem apparent that the original functional agricultural justification for the appeal property has ceased, and the SINC designation would further curtail rural enterprise activities. Nonetheless, the occupancy condition is aimed at ensuring that the dwelling is kept available to meet a need for such accommodation, not just in relation to the holding but in the locality.
12. It is accepted that the property has been marketed for an extensive period of time and a ‘for sale’ board was still in place at the time of my site visit. Nonetheless, only a short period of time has elapsed since the occupancy restriction was expanded to enable occupation by rural enterprises workers and those who met the Council’s affordable housing criteria. It may be the case that people who previously showed an interest in the property may now be eligible and, in my view, the length of time the property has been marketed under these new conditions is insufficient to demonstrate a lack of demand from rural enterprise workers or those that meet the affordability criteria. I accept that only a small number of offers were made, but this indicates some demand for properties of this type, and I do not consider it can be said that there is no demand or interest.
13. Moreover, the Council and the appellant provided an indication of the level of demand for rural workers dwellings. Whilst it is clear not all applications made are approved, I can see that a number were. This indicates to me that there is a level of demand and need for rural enterprise dwellings in the area.
14. It is apparent that the Council are always looking for affordable accommodation and would consider any options available to help meet wider housing need. The appellant has approached Affordable Housing Providers (AHP) prior to submitting the planning application<sup>5</sup> and the responses were negative partly due to the funding of the necessary renovations and because of the restrictions placed on the original planning permission. I am unaware if any research has been undertaken following the revision of the condition in dispute. In this respect, the imposition of the revised occupancy condition would give AHP the comfort of a suitable planning permission. The appellant also claims that the renovation and purchasing costs of the property make it unsuitable for affordable housing when taking into account the Welsh Government’s ‘Acceptable Costs Guidance’. Nonetheless, the Guidance is also flexible in its approach where costs are justified in the light of local conditions and housing need.
15. I have taken into account the appellant’s assessment of whether or not the property is ‘affordable’, including the ability to meet lifetime home standards. However, I do not consider that sufficient market research has been undertaken to ascertain, whether there would be any interest in the appeal property from anyone who meets the terms of the disputed condition. Consequently, I am unable to determine that there is no need for the disputed condition to be retained to ensure that a sufficient mix of accommodation is available in the locality.

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<sup>4</sup> Practice Guidance Rural Enterprise Dwellings – Technical Advice Note 6 Planning for Sustainable Rural Communities, December 2011.

<sup>5</sup> Planning Permission reference: DM/2020/00881

16. To my mind the disputed condition remains to have a useful functional purpose in providing rural enterprise worker accommodation in the locality or for their dependents or to those who would be eligible for affordable housing. Thus, the removal of Condition No 1 would be contrary to PPW and TAN 6, which emphasises the value of the existing stock of restricted dwellings in avoiding the need for further dwellings in the countryside.
17. I conclude on this main issue that it remains necessary to retain the condition. In the circumstances, the condition is fair and reasonable and meets the other tests prescribed for planning conditions.

*Other matters*

18. The appellant has made particular reference to an appeal<sup>6</sup> where the Inspector allowed the lifting of occupancy restrictions. However, I have limited detail of this case and I am unable therefore to determine whether they are reasonable comparisons to the proposal before me here. Nevertheless, it seems to me that, whilst it may have been determined in the same national and local policy context, it took into account a Certificate of Existing use or Development. As such I can afford this example little weight and, in any event, I have determined this appeal on its own merits.
19. I have also read with interest a number of other appeal decisions<sup>7</sup>. However, these were in different Council areas to this case, thus taking into account alternative planning policy considerations. Furthermore, the Inspectors had to consider the individual circumstances of the case, as I have done here. As such I can afford these decisions little weight.
20. I also acknowledge the planning permissions referred to. Similarly, I have limited detail of these cases and I am unable therefore to determine whether they are reasonable comparisons to the proposal before me here and, in any event, I have determined this appeal on its own merits.

**Conclusion**

21. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*J Burston*

INSPECTOR

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<sup>6</sup> Appeal decision APP/E6840/A/15/3124713

<sup>7</sup> Appeal decisions: APP/D6820/A/13/2205356; APP/T6850/A/14/2229039; APP/Z6950/A/16/3161658; APP/M6825/A/16/3153602.