

# Public Document Pack



Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 29 Tachwedd 2021

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 7fed Rhagfyr, 2021 at 2.00 pm,  
Remote Meeting

### AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ethol Cadeirydd ar gyfer y cyfarfod heddiw.	
2.	Penodi Is-gadeirydd ar gyfer y cyfarfod heddiw.	
3.	Ymddiheuriadau am absenoldeb	
4.	Datganiadau o Fuddiant	
5.	Cadarnhau cofnodion y cyfarfod blaenorol	1 - 8
6.	Ystyried yr adroddiad Cais Cynllunio canlynol gan y Prif Swyddog - Menter (mae copïau ynghlwm):	
6.1.	Dirymu Arfaethedig Caniatâd Cynllunio DM/2020/00817. Tir yng Nghyffordd Twannel Hafren, Ffordd yr Orsaf, Cil-y-coed ar gyfer Maes Parcio'r Orsaf ar Dir i'r De o Gyffordd Twannel Hafren.	9 - 14
7.	ER GWYBODAETH - Yr Arolygiaeth Gynllunio - Penderfyniadau o ran Apeliadau a Dderbyniwyd.	
7.1.	73 Heol y Parc, Cil-y-coed.	15 - 18

**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 gyntdeb 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 neilltuoel amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

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

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

#### Canllawiau Cynllunio Atodol (SPG):

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

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

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

# Public Document Pack Agenda Item 5

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Tuesday, 5th October, 2021 at 2.00 pm

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

County Councillors: L. Brown, A. Davies, A. Easson, D. Evans, M. Feakins, R. Harris, P. Jordan, P. Murphy, M. Powell A. Webb and S. Woodhouse

County Councillors V. Smith and L. Dymock attended the meeting by invitation of the Chair.

#### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Denzil – John Turbervill	Commercial Solicitor
Mark Davies	Highway Development Manager
Jim Keech	Tree Officer
Richard Williams	Democratic Services Officer

#### **APOLOGIES:**

County Councillor G. Howard

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

None received.

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

The minutes of the Planning Committee meeting dated 7<sup>th</sup> September 2021 were confirmed and signed by the Chair.

#### **3. Application DM/2020/00636 - Sheep housing / general purpose agricultural building. Henrhiw Farm, Monkswood, Usk**

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

Planning Committee, at its meeting on 7<sup>th</sup> September 2021, had been minded to defer consideration of the application to a future meeting to enable a site inspection to be held.

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

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Tuesday, 5th October, 2021 at 2.00 pm**

- The proposal is not a very good business plan and would not be viable with sheep alone.
- The holding is detached from the existing farmhouse and is a stand-alone planning application.
- The applicant owns 40 acres and has a 10-year lease for 94 acres.
- There are two large sheds on the site via permitted development rights. The local Member expressed concern regarding this decision.
- There have been issues regarding noise and there is still agricultural equipment and machinery located on the site.
- The local Member questioned the legality of the application when there is a retrospective planning application for the hardstanding area on which a portion of the application will stand.
- If approved, the site will house three very large sheds creating an industrial area within the countryside.
- Llanbadoc Community Council does not support approval of the application.
- Sheep do not require long periods indoors. They tend to be brought indoors only when lambing.

The Development Services Manager stated that the application is for an agricultural building to expand the flock of sheep. Consideration of what it might be used for in the future might become an enforcement matter or the applicant might need to submit a planning application for change of use of the building.

It was noted that there is sporadic development alongside the A472, putting the application in the landscape context of where it sits.

The large hardstanding has received planning permission. However, there is an area immediately in front of the building which is subject to a separate planning application but is not before the Committee for consideration today.

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

- Some Members expressed the view that the application should be approved in line with the officer's recommendation as it was considered that an additional building would not be detrimental to the surrounding area. The applicant requires the additional building as outlined in his business plan with a view to growing the business.

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- Other Members expressed the view that we should be minded to refuse the application as it was considered that an additional building of this size was not required as sheep are only required to be indoors for a limited period of time during lambing. Not all ewes lamb at the same time resulting in only a limited number of sheep likely to be in the building at any given time.
- A management plan has been agreed by Natural Resources Wales (NRW). A Habitats Regulation Assessment has been undertaken by Monmouthshire County Council's Ecologist in terms of phosphate issues which has been agreed by Natural Resources Wales (NRW).

The local Member summed up by expressing concern that the building is too large and the whole development is considered to be inappropriate on this site.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DM/2020/00636 be approved subject to the eight conditions outlined in the report.

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

For approval	-	8
Against approval	-	5
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00636 be approved subject to the eight conditions outlined in the report.

#### **4. Application DM/2021/00724 - Proposed new build detached dwelling to side of No. 2 Ifton Road, Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS**

We considered the report of the application which was presented to Committee for refusal with two reasons. An additional reason for refusal was considered, namely:

- The applicant has failed to enter into a Section 106 agreement that is necessary to secure the affordable housing requirement, and therefore the proposal is contrary to Policy S4 (Affordable Housing Provision) of the Monmouthshire County Council Local Development Plan 2011-2021.

This application had been presented to Planning Committee on the 7th September 2021 with a recommendation to approve the proposed development. However, The Planning Committee had been minded to refuse the application on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties and that the application be re-presented to a future meeting of Planning Committee with reasons for refusal.

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In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor A. Easson that application DM/2021/00724 be refused for the two reasons outlined in the report and that an additional reason for refusal be added, namely:

- The applicant has failed to enter into a Section 106 agreement that is necessary to secure the affordable housing requirement, and therefore the proposal is contrary to Policy S4 (Affordable Housing Provision) of the Monmouthshire County Council Local Development Plan 2011-2021.

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

For refusal	-	11
Against refusal	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/00724 be refused for the two reasons outlined in the report and that an additional reason for refusal be added, namely:

- The applicant has failed to enter into a Section 106 agreement that is necessary to secure the affordable housing requirement, and therefore the proposal is contrary to Policy S4 (Affordable Housing Provision) of the Monmouthshire County Council Local Development Plan 2011-2021.

#### **5. Application DM/2021/01000 - Discharge of condition 4, 5, 9, 11, 12, 14 and 15 relating to application DM/2020/00234. Pathways, Vinegar Hill, Undy**

We considered the report of the application which was recommended for approval to discharge planning conditions 4, 5, 9, 11, 12, 14 and 15. In September 2020 planning permission had been granted for two detached dwellings on the site under application DM/2020/00234, subject to a Section 106 agreement for a financial contribution towards affordable housing as well as 16 technical conditions.

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

- The Construction Traffic Management Plan (CTMP) acknowledges that the site is unsuitable for heavy vehicles.
- Section 7 of the CTMP states that an unloading area should be provided on the site to enable all delivery and construction vehicles to turn and leave in a forward direction. This might be possible for smaller vehicles but it was considered that it would not be possible for larger articulated vehicles.
- Section 10 of the CTMP suggests that farm equipment be used for transportation. Risks to local residents need to be addressed.



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### **Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Tuesday, 5th October, 2021 at 2.00 pm**

- Regarding the emergency access, the local Member was informed that a fire emergency vehicle could not access the site.
- The local Member enquired whether the Highways officer had walked the site.
- The latest Green Infrastructure (GI) Management Plan has relocated the orchard from the south east of the site to the areas around the site.
- There is no single plan showing the Sustainable Drainage System (SuDS) and the GI assets. The GI ecology department has no objection to the discharge of the conditions as it appears that it is unaware of the swales and the foul sewerage pump.
- The local Member supports Magor with Undy Community Council regarding its recommendation for refusal.
- Representatives from Monmouthshire County Council's Waste Department visited the site and met with the owner of Gwyn Royson and had agreed to a location for the waste of the proposed properties. The local Member would like to see this upheld.

The Development Management Area Manager responded to the local Member's comments, as follows:

- The original plan had shown more Green Infrastructure (GI) mitigation in the southern area of the site. However, after negotiations with the GI Officer and the Biodiversity Officer different ways of providing the mitigation were looked at. The solution put forward now is different to the original solution but is equally appropriate.
- The SuDS application is considered independently from this planning application to discharge the conditions. If there are differences between these plans then amendments will be sought to clarify the situation. However, Officers consider that the application meets the requirements of the conditions.

The Highway Development Manager informed the Committee that Highways Officers had not visited the site. However, having known the site very well he stated that he supported the discharge of condition 5 being the implementation of a Construction Traffic Management Plan.

All deliveries to the site will be managed. There are no traffic conditions on Vinegar Hill restricting its use by any motor vehicle and is open to all uses of the highway by public and commercial vehicles. Construction vehicles should be able to access and egress the site.

The Highways Department has no objection to the discharge of the conditions, in particular Condition 5.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Tuesday, 5th October, 2021 at 2.00 pm**

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

- Some Members expressed the view that the application should be approved in line with the officer's recommendation as the applicant has complied with the requirements requested to discharge the conditions. It was considered that the CTMP needed to be adhered to.
- Other Members expressed concern regarding conditions 4 and 5, namely highway safety and the CTMP. Problems have occurred in Caldicot previously whereby CTMPs have become problematic having not been adhered to by the developers. It was considered that conditions 4 and 5 needed to be firmer.
- In response to questions raised regarding the fire service vehicle access, whether the wording of the CTMP is sufficient to ensure the access is adequate for these vehicles, GI, SuDS and foul sewage disposal, the Development Management Area Manager informed the Committee that Building Regulations did raise concerns regarding fire service vehicular access. This matter was checked with the South Wales Fire Services and it had been confirmed that the emergency vehicles did have access to the properties. The properties will be fitted with fire suppression sprinkler systems. Fire related issues will be dealt with via Building Regulations. It was considered that the conditions relating to highways safety and the CTMP did not require re-wording and were considered to be sufficient. There are no conditions for foul sewerage to be submitted and is not part of the Committee's consideration today.
- The temporary bund will be removed in due course and the land and levels returned to an appropriate standard in line with the approved plans.
- Foul sewerage is identified as public sewerage. There is no foul water condition on the decision notice. This would be a matter for Building Regulations to address under separate legislation.

The local Member summed up as follows:

- Local knowledge is important.
- Photographs have been shared with officers over the previous 18 months indicating damage to properties by delivery vehicles.
- It was considered that the delivery methods have not been clearly defined.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2021/01000 be approved to discharge planning conditions 4, 5, 9, 11, 12, 14 and 15.

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

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For approval	-	10
Against approval	-	2
Abstentions	-	0

The proposal was carried.

We resolved that application DM/2021/01000 be approved to discharge planning conditions 4, 5, 9, 11, 12, 14 and 15.

**6. Confirmation Report: Tree Preservation Order (TPO) MCC289 (2021) - Land at Well Farm Grosmont**

We considered the confirmation with modification of Provisional Tree Preservation Order number MCC289 (2021) – Land at Well Farm, Grosmont.

We resolved to confirm with modification (by omitting T1 Oak) Provisional Tree Preservation Order No. MCC289 (2021) – Land at Well Farm Grosmont.

**7. New Appeals Received - 1st June 2021 to 22nd September 2021**

We noted the new appeals received by the Planning Department for the period 1st June 2021 to 22nd September 2021.

**The meeting ended at 3.37 pm.**

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## **PROPOSED REVOCATION OF PLANNING PERMISSION DM/2020/00817 LAND AT SEVERN TUNNEL JUNCTION, STATION ROAD, CALDICOT FOR STATION CAR PARK ON LAND SOUTH OF SEVERN TUNNEL JUNCTION**

**Application Number:** DM/2020/00817

**Proposed Development:** A new car park on land to the south of Severn Tunnel Junction station.

**Address:** Station Road Rogiet Caldicot Monmouthshire NP26 3WF

**Applicant:** Monmouthshire County Council

### **RECOMMENDATION: TO REVOKE PLANNING PERMISSION DM/2020/00187**

**Purpose of Report:** To seek approval from committee to enable the Council, as the relevant Planning Authority to make an order to revoke planning permission DM/2020/00817 for Station Car Park at Land South of Severn Tunnel Junction.

#### **1.0 Summary**

The above application was submitted to the Local Planning Authority on 24<sup>th</sup> June 2020 and made valid on the 3<sup>rd</sup> July 2020. The application was subsequently registered and the appropriate consultation exercise was carried out. The application was presented to Delegated Panel for consideration on the 27<sup>th</sup> October 2021 with an officer recommendation for approval. Delegated Panel subsequently agreed with the officer recommendation and the application was approved on the 28<sup>th</sup> October 2021 subject to conditions.

Following the issuing of the decision it has become apparent that the application was incorrectly presented to the Delegated Panel. In line with the Council's Constitution the application was required to be presented to Planning Committee for resolution given the council was the applicant and there were material planning objections to the proposals.

This report now seeks Committee's approval to serve a Revocation Order to legally revoke the decision.

If the decision is revoked the application will be presented and fully considered at a future Planning Committee meeting for committee to determine the application in the normal way.

As the Council is the landowner and applicant, it is unlikely that there will be an objection to this revocation order which will lead to a referral to the Welsh Ministers for determination. In addition there will not be any compensation payable for the same reasons.

#### **2.0 Constitution**

We have consulted with members of the legal department to confirm the correct process for issuing a revocation order. Having examined the scheme of delegation within the constitution they have confirmed that although this was a decision made by officers, there is no power conferred to officers by the constitution to issue a revocation order.

Furthermore, if the decision had been made by the Committee then the decision to revoke or amend that decision would also have been referred to the Committee. As such the legal department has

advised that the correct process under the Council's Constitution would be to refer this decision to revoke the planning permission to the Planning Committee.

### 3.0 Procedure for Revocation

As it is unusual for a revocation order to be made, we have set out below the statutory procedure for members to consider, in order to ensure that members are fully aware of the relevant legislation and process which we must follow.

The process for revoking a Planning Permission is set out within the Town and Country Planning Act 1990 ("the Act"). Section 97(1) of the Act allows a Local Authority by order to revoke or modify a permission to such extent as they consider it expedient.

**97 Power to revoke or modify planning permission [F1 or permission in principle].**

(1) If it appears to the local planning authority that it is expedient to revoke or [F2 modify—

- (a) any permission (including permission in principle) to develop land granted on an application made under this Part, or
- (b) any permission in principle granted by a development order,

the authority] may by order revoke or modify the permission to such extent as they consider expedient.

When making this decision the authority must have regard to the development plan and to any other material considerations. Such an order cannot be made once the operations authorised by the permission have been completed, or in the case of a change of the use of any land once that change of use has taken place. Neither of these circumstances are applicable in this case.

(2) In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.

(3) The power conferred by this section may be exercised—

- (a) [F3 in the case of planning permission that] relates to the carrying out of building or other operations, at any time before those operations have been completed;
- (b) [F3 in the case of planning permission that] relates to a change of the use of any land, at any time before the change has taken place.

The building operations have not yet been completed and as such we are within the time limit allowed by the Act.

Section 99 of the Act states that where the order is unopposed, it will come into effect on the expiration of the relevant notice period. The authority must serve a notice on the owner, occupier and all persons who in the authority's opinion will be affected by the order.

**99 Procedure for s. 97 orders: unopposed cases.**

(1) This section applies where—

- (a) the local planning authority have made an order under section 97; and
- (b) the owner and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—

- (a) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
- (b) the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.

In order to comply with this provision, we will need the authorisation of this Committee to ensure that we have the permission of the landowner and applicant. We will also write to Rogiet Community Council and ask that they confirm that they do not wish to oppose the order. Rogiet Community

Council have indicated they may issue proceedings in relation to this permission and as such, officers consider that they are an interested party.

The Act also requires us to serve a notice on the persons mentioned in subsection 1(b), which we have set out above. That notice must not be less than 28 days from the date the advertisement first appears. In order to comply with this requirement, as well as writing to the Community Council, officers propose putting a notice on site for a period of 28 days to publicise the order to residents and wider community to provide them with the opportunity to object if they are so minded.

Where an order is opposed the decision must be referred to the Welsh Ministers for confirmation. In the case of an opposed order, where the authority has served a notice and the order is opposed by an interested party, Welsh Ministers must give an opportunity for both the objector and the authority to appear before them before making a determination in relation to the order.

**98 Procedure for s. 97 orders: opposed cases.**

- (1) Except as provided in section 99, an order under section 97 shall not take effect unless it is confirmed by the Secretary of State.
- (2) Where a local planning authority submit such an order to the Secretary of State for confirmation, they shall serve notice on—
  - (a) the owner of the land affected,
  - (b) the occupier of the land affected, and
  - (c) any other person who in their opinion will be affected by the order.
- (3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) If within that period such a person so requires, before the Secretary of State confirms the order he shall give such an opportunity both to him and to the local planning authority.
- (5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.
- (6) The Secretary of State may confirm an order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

As Monmouthshire County Council is the landowner and applicant, and the Community Council have written to us to request that we revoke the order, officers are of the opinion that the order is likely to be unopposed. If that is correct, following the making of the order and publishing of the relevant notices, the order will come into effect on the expiration of the notice periods set out above.

#### **4.0 Expediency to Revoke and Material Considerations.**

The Council received a pre-action protocol letter from Rogiet Community Council in relation to this permission on 12th November 2021. This is a material consideration in making this decision.

While the scheme of delegation was not one of the grounds raised as part of the Judicial Review proceedings, a Judicial Review considers the lawfulness of a decision or action made by a public body. It exams the way in which a decision has been made and considers whether it has been made lawfully, rather than assessing the merits of the decision. Having identified this procedural incorrectness during the review it is considered expedient in light of the potential legal action to remedy it at this stage.

It is not often expedient for the Council to revoke a planning permission once granted. As has been identified above, it cannot be done unilaterally. The consent of the land owner, applicant, Council and any other interested parties are required. If any of these were to object then the revocation order must be referred to the Welsh Ministers for determination. As such it is not always within our power to do so and is not always an expedient option. In this instance Monmouthshire County Council are the landowner and developer and it is therefore possible for us to make this decision without reference to a third party.

Where a Local Planning Authority makes an order to amend or revoke a planning permission there can follow an obligation to pay compensation to the landowner or developer for any costs incurred before the point at which the revocation order is made. These costs can be quite substantial. Again, as the Council is the landowner and developer there are no compensation implications to this

decision. This is a material factor in considering the expediency of the proposed course of action to revoke the planning permission.

As such, officers consider that as the order is unlikely to be opposed, that there will be no adverse financial implications for making this order, alongside the potential need to defend this decision following a possible Judicial Review, officers consider it expedient to revoke the permission to allow it to be re-presented to a future full meeting of the Committee for determination.

## **5.0 Officer Report DM/2020/00817**

In accordance with Sec 97 of the Town and Country Planning Act 1990, 'In exercising their [Local Planning Authority] functions under subsection (1) the Authority shall have regard to the development plan and to any other material considerations'.

It is not considered necessary to repeat the policy and material considerations of the application in this report. The full consideration of the application can be found in the officer's report here:

[https://planningonline.monmouthshire.gov.uk/online-applications/files/2C2028A10E99677A5D0CFBA2C4F6B621/pdf/DM\\_2020\\_00817-OFFICER\\_REPORT-945656.pdf](https://planningonline.monmouthshire.gov.uk/online-applications/files/2C2028A10E99677A5D0CFBA2C4F6B621/pdf/DM_2020_00817-OFFICER_REPORT-945656.pdf)

The relevant Local Development Plan policies can be found at Appendix A to this report.

## **6.0 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.

## **7.0 Recommendation**

That Committee resolves to authorise:

- (a) The making of a revocation order under Section 97 of the Town and Country Planning Act 1990 to revoke planning application DM/2020/00817.
- (b) Confirmation of the order in the event of no objections being received from any interested party.



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

#### **Strategic Policies**

S14 LDP Waste  
S12 LDP Efficient Resource Use and Flood Risk  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP2 LDP Protection of Water Sources and the Water Environment  
EP3 LDP Lighting  
EP5 LDP Foul Sewage Disposal  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV5 LDP Improvements to Public Transport Interchanges and Facilities  
DES1 LDP General Design Considerations  
DES2 LDP Areas of Amenity Importance

### **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 note (TAN) 5: nature conservation and planning  
Technical advice note (TAN) 15: development and flood risk (2004)  
Technical advice note (TAN) 18: transport





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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/09/21

gan **J Burston BSc MA MRTPI AIPROW**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 25.11.2021**

## Appeal Decision

Site visit made on 07/09/21

by **J Burston BSc MA MRTPI AIPROW**

**an Inspector appointed by the Welsh Ministers**

**Date: 25.11.2021**

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**Appeal Ref: APP/E6840/A/21/3274953**

**Site address: 73 Park Road, Caldicot NP26 4EL**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs J Carter against the decision of Monmouthshire County Council.
  - The application Ref DM/2020/01328, dated 17 September 2020, was refused by notice dated 4 December 2020.
  - The development proposed is the construction of 2 semi-detached 2-bedroom houses in the garden of no.73 Park Road, Caldicot.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The original planning application was made in the name of Mr M Williams. Whereas the appeal was made in the name of Mrs J Carter. The appellant has confirmed that the name on the planning application was actually the agent's, and the applicant was Mrs J Carter.
3. I acknowledge that the application was made in outline form with all matters reserved. Therefore, I am conscious that other than the location plan all other plans are purely for illustrative purposes only. However, I have considered them on the basis of a promoted design approach and whilst they may not be determinative, they have informed my reasoning.
4. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of making our cities, towns and villages even better places in which to live and work.

### Main Issues

5. The main issues in this case are the effect of the proposed development on
    - The character and appearance of the surrounding area; and
-

- the living conditions of neighbouring occupiers, with particular regard to visual impact.

## Reasons

### *Character and Appearance*

6. The appeal site forms part of the curtilage of a semi-detached dwelling located within a residential area of Caldicot. The surrounding area generally comprises 2-storey semi-detached and terraced properties set back from the road. The layout of the housing here provides a distinct and open character to the area, where breaks between the housing enable the depth and space between the houses to be viewed from the public highway.
7. The appeal site has a long, rectangular garden to the side of the existing property, and the proposal is for the construction of two semi-detached dwellings within this space. The host property would retain a rear garden, with the front garden used for parking. Similarly, the proposed dwellings would have a rear garden with parking to the front.
8. The proposed dwellings would be in close proximity to the host property on the site. Given the site's shape, the proposal would appear shoehorned into the plot, with very small separation distances between the existing dwelling and the site boundaries. Consequently, the proposed houses would not be well related to existing dwellings or the pattern of development hereabouts. In this respect, the existing side garden provides a pleasant open space, which breaks up the built form of the street. The introduction of a pair of dwelling in this space would be to the visual detriment to the street scene.
9. Accordingly, I find that the proposal would not be in keeping with the character and appearance of the existing street scene. These concerns are also reflected in the Monmouthshire County Council Supplementary Planning Guidance Infill Development, November 2019 (SPG) which states at paragraph 6.1 that *"In most cases, there is an expectation that the massing of the proposal should be in proportion to the main property and the existing neighbouring buildings, as appropriate."*
10. The appellant has made reference to other developments nearby said to be similar to the appeal proposal. I have not been provided with the full details of these schemes and so cannot be certain that direct parallels can be drawn with the current proposal. In any case I have considered the appeal proposal on its own merits.
11. Consequently, I find that the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with Monmouthshire Local Development Plan (LDP) Policy DES1 that seeks, amongst other things, that development is of a high-quality design, that respects the character and distinctiveness of the area and contributes to the sense of place.

### *Living Conditions*

12. The SPG establishes that<sup>1</sup> *"New buildings near to plot boundaries can be intrusive when viewed from existing gardens or from within dwellings. To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable*

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<sup>1</sup> Paragraph 7.7

*walls without windows (unless these are minor windows such as the landing, WC or utility room windows)."*

13. The proposal would bring a two-storey built form close to the common side boundary with 1 Elm Road, below the 15m distance set out in the SPG. I appreciate the neighbours' rear ground floor windows already face a single storey garage. However, the proposal would bring a two-storey element closer to the rear windows and would extend for a greater depth than the garage that separates the appeal site from No. 1. The proposed development would also be significantly taller than either the garage or the boundary fence. As a consequence, the proposal would have a dominating and overbearing built form. The screening effect of the garage would only provide limited relief from that overbearing and oppressive relationship.
14. Given the orientation, bulk and height of the appeal proposal to its neighbour at 1 Elm Road there would be some overshadowing of its narrow rear garden. Nonetheless, the garden at No.1 also includes an area to the side of the dwelling, and any overshadowing from the new building would only affect a small part of it. Consequently, there would be no material harm to the living conditions of the occupants of No.1 through any overshadowing arising from the development.
15. Whilst I have found no harm in respect of overshadowing, I consider the proposal is unacceptable with regard to the overbearing impact it would have upon 1 Elm Road. The proposal is therefore contrary to LDP Policy DES1 and EP1 which require, amongst other matters, that development proposals should not harm the amenities of neighbouring occupiers.

#### *Other Matters*

16. I acknowledge that the proposal would make a modest contribution to housing stock in the area and that there are no objections from neighbouring residents. These, however, do not outweigh the harm that I have identified above.

#### **Conclusion**

17. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this. Therefore, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*J Burston*

INSPECTOR

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