

# Public Document Pack



Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 24 Ionawr 2022

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 1af Chwefror, 2022, 2.00 pm  
Remote Meeting

### AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Apwyntio Is-gadeirydd.	
2.	Ymddiheuriadau am absenoldeb.	
3.	Datganiadau o Fuddiant	
4.	Cadarnhau cofnodion y cyfarfod blaenorol	1 - 12
5.	Ystyried yr adroddiadau Ceisiadau Cynllunio canlynol gan y Prif Swyddog – Mentergarwch (copïau wedi eu hatodi):	
5.1.	Cais DM/2021/01277 – Cadw'r eisteddle presennol ar gyfer 100 o bobl. Eisteddle arfaethedig ar gyfer 100 o bobl, eisteddle arfaethedig ar gyfer 50 o bobl ac estyniad i faes parcio Clwb Pêl-droed Tref Cas-gwent, Parc Larkfield, Cas-gwent, NP16 5PR.	13 - 24
5.2.	Cais DM/2021/01367 – Newid y defnydd a wneir o'r adeilad o swyddfeydd i annedd sengl a'r gwaith perthnasol. Ashbourne House, 33 Heol y Bont, Cas-gwent.	25 - 34
5.3.	Cais DM/2021/01421 – Gosod paneli solar newydd ar doeon y cerbydau rheilffordd sydd yno'n barod. Yr Hen Orsaf, Tyndyrn, Cas-gwent, NP16 7NX.	35 - 44
6.	ER GWYBODAETH – Yr Arolygaeth Gynllunio – Penderfyniadau Sydd Wedi Eu Derbynnu Am Apeliadau:	
6.1.	Ravensnest Fishery, Ravensnest Wood Road, Tyndyrn.	45 - 46

Paul Matthews  
Prif Weithredwr

## CYNGOR SIR FYNWY

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

Cynghorwyr Sir:

R. Edwards  
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 Democrataidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn I'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)**

#### **Mynediad i 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 Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

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

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i [www.monmouthshire.gov.uk](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.
- **Caredigrwydd** – Byddwn yn dangos caredigrwydd i bawb yr ydym yn gweithio gyda nhw, gan roi pwysigrwydd perthnasoedd a'r cysylltiadau sydd gennym â'n gilydd wrth wraidd pob rhyngweithio.

## **Diben**

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

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

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

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

## **Gwneud penderfyniadau**

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

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

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

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

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

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

## **Prif gyd-destun polisi**

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

*Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd*

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

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

#### Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

Dylai pob datblygiad fod o ddyluniad cynaliadwy ansawdd uchel a pharchu cymeriad lleol a nodweddion 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 (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, pathewod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwyddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

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

(ii) Nad oes dewis arall boddhaol.

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

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

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

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

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

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

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

#### Trefn Troseddu ac Anrhefn 1998

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

#### Deddf Cydraddoldeb 2010

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

#### Mesur Plant a Theuluoedd (Cymru)

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

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

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

### **Pwy all siarad**

#### Cynghorau Cymuned a Thref

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

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

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

#### Aelodau'r Cyhoedd

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

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

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

#### Ymgeiswyr

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

### **Cofrestru Cais i Siarad**

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

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

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

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

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

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

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

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

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

### **Cynnwys yr Arweithiau**

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

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

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

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

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

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# Public Document Pack **Agenda Item 4**

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Wednesday, 12th January, 2022 at 2.00 pm

**PRESENT:** County Councillor R. Edwards (Chairman)

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

County Councillors L. Dymock and F. Taylor 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
Mark Davies	Highway Development Manager
Denzil – John Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

#### **APOLOGIES:**

County Councillor M. Feakins.

#### **1. County Councillor Peter Clarke**

Before commencing proceedings the Chair, on behalf of the Planning Committee, paid tribute to the late County Councillor Peter Clarke who had recently passed away. As a mark of respect, the Planning Committee held a minute's silence.

#### **2. Declarations of Interest**

None received.

#### **3. Confirmation of Minutes**

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

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Wednesday, 12th January, 2022 at 2.00 pm

#### **4. Application DM/2019/01937 - Hybrid planning application - Outline planning application for up to 155 dwellings, associated open space and infrastructure with all matters excluding access reserved, of which full planning permission is sought for 72 dwellings, associated open space and infrastructure. Land at Vinegar Hill, Undy, Monmouthshire**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement.

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

- Magor and Undy have been overdeveloped over the years with the infrastructure not being developed at the same rate.
- The health and well-being of residents is important. Concern was expressed that local doctors' surgeries and dentists will not cope with the increase in population from the proposed development.
- Clarity was sought following an email from the local health board in February 2020. It had been assumed that due to no objection, the surgery had adequate space to accommodate additional numbers of patients.
- The local Member informed the Committee that the Environmental Health Officer had stated that the majority of the site would fall under TAN 11.
- Noise issues should be taken into account when determining planning applications with conditions being imposed to ensure an adequate level of protection. Planning permission should not be granted where it is considered that permission would be suited at a better quieter available location.
- Conditions should be imposed to ensure a commensurate level of protection against noise.
- The local Member asked whether there was evidence that there were no alternative sites that would be a more suitable location within the County and questioned whether the proposed site was the best site available given the constant noise and traffic pollution from the M4 motorway.
- The loss of green space will significantly impact on Undy residents. Green space is important for residents' health and well-being. There is no alternative usable green space in the area for residents.
- The local Member expressed concern regarding the exit and entrance onto the B4245 from Dancing Hill. The speed and volume of traffic has been a concern for Magor and Undy residents. An additional 155 properties will significantly

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increase the number of vehicles travelling along this route. The correct measures need to be installed to reduce the speed of vehicles along this route.

- Concern was expressed regarding road safety issues at Vinegar Hill. It was considered that a true reflection of residents' views had not been undertaken regarding Vinegar Hill. Further consultation should be considered regarding this matter. Most sections of the highway on Vinegar Hill are a single car width which can be dangerous for residents with sections of the highway having no footway. Heavy goods vehicles have become stuck blocking the road with some properties having been damaged by vehicles due to the narrowness of the road.
- When an accident occurs on the B4245 or the M4 motorway, Magor and Undy become congested immediately with Vinegar Hill being used as a 'rat run'.
- Traffic cameras had been set up in April 2019 but there were issues regarding the date that this took place.
- Undy School – complaints are being received from residents regarding vehicles parking on Penny Farthing Lane due to the congestion occurring around drop off and pick up times. Off road parking is required to eliminate the parking issues. However, the congestion issue will be exacerbated if the proposed development is approved.
- Public transport links for the area need to be addressed and improved. Walking and cycling need to be developed.
- Refuse vehicles are struggling to negotiate the Greystone site.
- Flooding has occurred in the area.

The Member for Mill Ward (adjacent ward) also attended the meeting by invitation of the Chair and outlined the following points:

- The conditions outlined in the report needed to be looked at in more detail.
- The site is not part of the County Council's Local Development Plan. It is a new allocation made by the Planning Inspector. The site has remained in abeyance for several years as it is a difficult site to develop.
- The Member concurs with the local Member regarding the refuse collection problems on the site. The configuration of the site has made it difficult for refuse vehicles to access certain areas of the new sites. This had resulted in smaller vehicles having to be despatched to address missed collections.
- Neither Grange Road nor the top of Dancing Hill are priority gritting routes.
- There is a need for off-site highway improvement but there is no clarity on the type of improvements required.

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- Dancing Hill has been identified as having high speeding traffic due to its topography. If the application is approved this will generate further high-speed traffic movements.
- There will be 18 affordable homes but the layout is not compliant with Monmouthshire County Council's Affordable Housing Supplementary Planning Guidance (SPG), as this requires pepper potting of the affordable properties. All the affordable homes are located in the south west corner of the site but there should be clusters of no more than 6 to 15 units.
- Surface water and drainage issues currently exist on the site. However, Welsh Water has not agreed to a connection. Only an agreement in principle is in place.

Magor with Undy Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

*'The proposal to partially close off the northern end of Vinegar Hill, and allow access through the new development onto Vinegar Hill could be a huge H&S risk, with the potential for it to become a 'rat-run' to the B4245. Planning Inspectorate described Vinegar Hill: 'narrow tortuous road – with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses' and refused an access point (DC/1997/00237). Planning has continued to allow in-fill along Vinegar Hill increasing traffic, despite it being a 'Safe Routes to School'.*

*Access to the development is via Grange Road. What plans are in place for construction traffic to mitigate accident/congestion on Grange Road, particularly at the narrow corner adjacent to Hillcrest? Dancing Hill is also very busy, feeding the existing estate.*

*Council presume that the proposed road that will connect the new development with Rockfield and the B4245 is to replace the 'bypass' planned for the area in excess of 30 years. Developers should be tasked with putting in this link/bypass road first to mitigate congestion on Vinegar Hill/Grange Road and Dancing Hill by construction traffic.*

*Drainage/SUDS at the new Greystone Meadows (Rockfield) is totally insufficient, with MUCC in talking to Matt Jeffes Flood Risk Engineer for Monmouthshire County Council. Attenuation ponds cannot cope with the run-off, causing flooding to adjacent allotments, and raising Manholes on the B4245 and site.*

*SUDS/drainage for the Vinegar Hill development must be more robust, and 'over the top'. Run-off from Grange Road and Vinegar Hill crest causes regular flooding on the lane at Gurn Hill Lodge – with soak-away drains inadequate. Two fields east of Vinegar Hill (phase two of the Vinegar Hill development) have deep seasonal flooding with run-off from Knollbury/Vinegar Hill/Gurn Hill.*

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*Monmouthshire County Council needs to ensure that SUDs/drainage proposals are robust and conditions are met to mitigate flooding.*

*Magor/Undy had problems connecting to the public sewer (with installation of private cesspits becoming the 'norm') because of capacity problems, despite a new rising main installation.*

*On the proposal to connect to the existing sewer system Dwr Cymru concluded it is unlikely to have sufficient capacity to accommodate the development without having a detriment to existing services. This must be resolved - the community cannot endure the problem of overloaded sewers again.*

*Is the developer providing children's play facilities? Is it covered by s.106 agreement that includes a contribution to community facilities? The Community Council provides the area's largest children's parks and would welcome funding to update/refurbish them.*

*Council note proposals to plant trees/small orchard areas and to maintain existing hedgerows.*

*It should be a condition that the developer plant only non-invasive native species which provide cover and food for birds, mammals.*

*The west/east green corridor is a flight path for bats, hunting raptors and barn owls. No allowance has been made for bats, nesting birds i.e. house martin nest cups or artificial nests for cavity nesting birds i.e. house-sparrows.*

*The Community Council's believes that conditions can be put in place by the authority to mitigate some concerns/problems but with a programme of checks to ensure that planning and the conditions are adhered to.'*

Ms. K. Coventry, the applicant's agent, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The report outlines comprehensively why the application should be approved.
- The site is allocated within the County Council's adopted Local Development Plan.
- It is located adjacent to the established built up urban area of Magor and Undy and connects the approved housing allocation of Rockfield Farm.
- Grant funding has been received from the Cardiff Capital Region in light of the viability matters on site.
- The scheme aims to deliver up to 155 homes across the two parcels of land divided by Vinegar Hill.

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- The application site does not extend over the entirety of the allocation. The scheme design ensures that it does not prejudice this area of land should it come forward in the future.
- The scheme, via the grant funding, is able to deliver 25% affordable housing on site and will aid in the shortfall across the County.
- There has already been a pre-application enquiry undertaken for the detailed design of Parcel B and it is considered that an application will be submitted on receipt of the planning permission.
- Through consultation with the County Council the scheme has evolved into one designed around green infrastructure including two key corridors running north to south and east to west across the two parcels of land. The site delivers a net biodiversity gain overall.
- There is a net gain in hedgerows across the site with the delivery of the community orchard and public open space.
- A scheme has been designed to provide safe travel across the local highway network and prevent inappropriate levels of traffic on unsuitable roads.
- In July 2021, a new scheme was submitted which closes the top of Vinegar Hill with some access remaining to the south. This design still enables the east to west link road to connect from Rockfield Farm through this site and onto Grange Road, as required through policy.
- This scheme is the most practical and sustainable solution which also provides emergency access.
- Drainage officers have confirmed that the scheme has an appropriate drainage strategy.
- This is the last remaining strategic allocation in the County Council's adopted Local Development Plan. It accords with both national and local policy.
- The scheme will provide an important contribution to both market and affordable housing numbers and is not subject to the constraints experienced elsewhere in the County.
- The developer is keen to deliver this site as soon as possible.
- The applicant's agent asked the Committee to consider approval of the application.

The Development Services Manager responded as follows:

- Conditions have been put in place to avoid any unacceptable noise impacts.

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- High levels of insulation can be secured, as well as upgraded acoustic glazing and mechanical ventilation whereby windows would be non-opening facing out towards the north and the motorway. This would allow the plots to achieve acceptable internal noise levels. The gardens would be located at the rear of these properties.
- The loss of green space is implicit in terms of the allocation of the site. However, across the site there is green infrastructure and public open space provision which is multifunctional in providing surface water drainage measures, the trim trail and the community orchard, as examples.

The Head of Planning responded as follows:

- Local GPs have been consulted on the application with no objections or concerns being raised regarding the developments.
- This is an allocated site within the Local Development Plan (LDP). As part of that process consultation would have been undertaken with the local Health Board to allow capacity to be built into its models.
- With regard to the replacement LDP, the local Authority is working with Aneurin Bevan University Health Board (ABUHB) to create a formula to address contributions in relation to health infrastructure.
- This development is one of the first large scale developments to go through the Surface Water Drainage legislation. A sustainable drainage application has been submitted to the Drainage Board and is compliant with the requirements.
- Parcel A complies with Affordable Housing Supplementary Planning Guidance (SPG) whereby there are 12 units located within the south west corner of the site and a further six units located within the central location of the site.
- There is an east to west link which has been designed to the correct standards. It is anticipated that a bus service will be able to access this route in the future and that refuse vehicles will also be able to access this highway link.

The Highways Officer responded as follows:

- This is an allocated site and extensive assessments were undertaken in order to put it forward as a candidate site.
- The assessments identified that no mitigation was required for this development on the local network and specific junctions on the B4245.

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- The Highway Authority considers that the proposed development will cause no material harm in terms of safety and capacity on the network.
- 20mph speed limits are to be rolled out across the County and the region.
- All internal layouts of the proposed development accord with current design criteria which is Manual for Streets.

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

- Vinegar Hill is not being closed to through traffic. Eventually, it will be linked into the estate road and the future east-west link road. When the development is completed, at some point in the future, the northern section of Vinegar Hill will be closed to traffic and will be turned into a green way for use by pedestrians and cyclists.
- There is no direct policy in the LDP for the provision of electric vehicle charging points on the development. However, this is being looked at within the replacement LDP. Discussions have been held with the developer regarding the provision of charging points and the developer has agreed to put in the cabling and infrastructure for a three point plug on 85% of the plots on Parcel A of the site. This could be delivered via condition should the application be approved.
- In response to questions raised regarding biodiversity and GI Infrastructure, it was noted that concerns had been raised regarding seasonal flooding in the attenuation pond in Parcel A. It was noted that this is a modern design and provides green open space in terms of surface water drainage. It is a multi-functional area of land.
- A Green Infrastructure Management Plan has been established to maintain green infrastructure on the site. The site has been designed with significant tree planting located within the streets, the provision of a trim trail and a public open space within the south east of the site.
- The layout of the affordable housing provision in the south east of the site provides benefits in terms of how the properties are managed. 25% of the site will be affordable housing provision.
- The area of the site on Grange Road is close to the motorway. A Member suggested providing acoustic fencing at the top of the site to help reduce noise levels from the motorway. The area to the north was not originally a part of the LDP, providing scope for the extra measures of acoustic fencing to be considered in zone C via conditions. It was also suggested that conditions be added to accommodate electric charging points for Parcels A and B. In response, the Head of Planning informed the Committee that the Developer had looked at providing electric charging points across the whole of the site

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(Parcels A&B). Therefore, a condition could be added requesting a plan to indicate details of electric charging facilities for the site prior to commencement of work on the development.

- In terms of noise pollution, the Head of Planning informed the Committee that there are conditions regarding the upgrading of the glazing and the ventilation of the properties to the north of the site. Regarding the area of the site outside of the LDP, Environmental Health has looked at this development proposal and suggested conditions 16 and 17 to ensure that there are higher standards for the plots at the top of the site.
- The traffic survey had been undertaken in April 2019 outside of school term time and on a Saturday, which did not take into account traffic levels from an average working day.
- In response to a query regarding developments and infrastructure requirements for the area, the Head of Planning informed the Committee that the Planning Authority had consulted with Aneurin Bevan University Health Board and GPs to obtain their opinion in respect of the development proposal. The numbers of people waiting for affordable housing are already located within the area. Conversations will continue with the local Health Board regarding the additional homes in the area and the impact that this might have for health infrastructure going forward. This scheme is providing a number of financial contributions towards community facilities such as community services, public open space and educational contributions in terms of school capacity with a view to ensuring that the development is sustainable.
- A Member expressed concern and considered that the development would be inappropriate for the site under the Future Well-being of Generations Act, as it was considered that it does not benefit the health of the local community.

The Development Services Manager informed the Committee:

- There will be acoustic screening along the frontage of the site with Grange Road with considerable planting being undertaken.
- The periphery of the development will have public maintenance areas which will be managed by the Council or a management company via the green infrastructure management plan.

The local Member summed up as follows:

- Concern was expressed that the proposed development will not provide good quality housing on this site.

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- The glazing might provide some noise mitigation but only when inside a property.
- The 25% affordable housing provision is a positive. However, the local Member expressed concern that these properties were not being adequately distributed across the site.
- The local Member supports the provision of electrical charging points.
- Concern was expressed regarding the lack of access to GP facilities in the area and that further development within the area would exacerbate this situation.
- It was considered that the development does not enhance the well-being of future generations.

It was proposed by County Councillor L. Brown and seconded by County Councillor A. Easson that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- No development shall commence until details of acoustic fencing have been agreed with the local Planning Authority along the northern boundary of the site and shall be implemented in accordance with the approved details prior to any occupation of the dwellings.

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

In favour of the proposal	-	5
Against the proposal	-	9
Abstentions	-	0

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor J. Higginson that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- To secure electric charging points on the site.

In favour of the proposal	-	14
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- To secure electric charging points on the site.

#### **5. Application DM/2021/01376 - Proposed two storey rear extension with associated works. 2 Cae Capel, Great Oak, Bryngwyn, Usk**

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

In noting the detail of the application, the following point was identified:

- In response to comments made regarding the loss of amenity impacting on the neighbouring property, the Development Management Area Manager informed the Committee that the application has been looked at on its own merits and it is acknowledged that there will be some degree of impact but the mitigating circumstances in terms of the distance from the boundary and the north facing orientation, on balance, indicates that there is insufficient grounds to recommend refusal.

It was proposed by County Councillor G. Howard and seconded by County Councillor P. Murphy that application DM/2021/01376 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2021/01376 be approved subject to the conditions outlined in the report.

**The meeting ended at 4.27 pm.**

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**Application Number:** DM/2021/01277

**Proposal:** Retention of existing 100-seater stand. Proposed 100 seated stand, proposed 50 seated stand and extension to car park.

**Address:** Chepstow Town AFC, Larkfield Park, Chepstow, NP16 5PR

**Applicant:** Mr Ray Edinborough

**Plans:** Site Plan MH-8719A - Rev A, Site Layout MH-8720A - Rev A, Site Plan MH-8721B - Rev B proposed Site Plan, All Proposed Plans MH-8722B - Rev B Proposed Layout, Other Car Park Management Plan - Version 2 03/11/21

## **RECOMMENDATION: Approve**

Case Officer: Kate Young  
Date Valid: 27.07.2021

**This application is presented to Planning Committee due to the number of objections received from local residents exceeding four**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

Chepstow Football Club is an established club which is located between Larkfield Park and Beech Grove, in the High Beech Area of Chepstow. The land is within the town's Development Boundary and has been designated as an Area of Amenity Importance in the LDP. The site contains an existing club house, parking area, football pitch, training area, one 100-seater stand and floodlights. The existing car park has capacity for approximately 26 vehicles. There are mature trees on the north, east and part of the southern boundary of the site. The site includes areas of additional green space and is surrounded by existing residential development on three sides with some commercial uses adjacent to Larkfield Garage to the north-west of the site. There is one tree that is subject to a Tree Preservation Order on the south-west corner of the playing fields.

### 1.2 Value Added

Following negotiations between planning officers and the football club, the size of the car park has been increased and a parking management plan has been submitted. All interested parties were re-consulted on the amendments on the 05/11/21.

### 1.3 Proposal Description

In order to meet with the Football Association of Wales criteria for Level 2 the club requires stands that are able to seat 250 spectators as a minimum. The application seeks two new stands and also retrospective permission for the existing 100-seater stand. The stands will be constructed in standard box sheeting coloured Ocean Blue, the seats would be of blue and white plastic. The 50-seater stand will be adjacent to the existing stand and would measure 2.83m in depth and 9m long. The existing 100-seater stand is 13.8 meters long and 2.83m in depth. The new 100-seater stand would be on the north-west side of the pitch and would also measure 2.83m in depth and 13.8m in length. All of the stands would have a mono-pitched roof with a maximum height of 3m. The application also seeks the relocation of the timber fence around the car park which will increase the capacity of the car park by 11 car parking spaces.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01277	Existing 100-seater stand. Proposed 100 seated stand, proposed 50 seated stand and extension to car park.	Pending Determination	
DC/2002/01191	Extension To Clubroom To Incorporate Pool & Darts Area	Approved	23.01.2003
DC/1996/00691	New Changing Rooms.	Approved	12.03.1997
DC/1994/00128	Retention Of A Portacabin For Meeting Place.	Approved	04.05.1994

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S5 LDP Community and Recreation Facilities  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S12 LDP Efficient Resource Use and Flood Risk  
S17 LDP Place Making and Design

### Development Management Policies

CRF1 LDP Retention of Existing Community Facilities  
CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision  
DES1 LDP General Design Considerations  
DES2 LDP Areas of Amenity Importance  
NE1 LDP Nature Conservation and Development  
LC5 LDP Protection and Enhancement of Landscape Character  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
SD4 LDP Sustainable Drainage

### 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.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Chepstow Town Council** recommends approval but still has reservations over the provision of parking.

#### **MCC Highways (18/11/21) - No objection**

The highway authority welcomes the applicant's submission of a car park management plan and amended plans detailing an increase in car parking provision. The highway authority therefore removes the former objection relating to the provision of parking and therefore does not object to the application.

#### **MCC Highways (07/09/21) - Concerns**

The proposal does accord with the adopted parking standards; however, the highway authority has concerns regarding the parking stress experienced on the immediate residential streets. These surrounding streets do not have any specific parking control, and it is not considered sufficient grounds to object to the proposal. Management of these streets would require specific traffic regulation orders. It is therefore suggested that the police are consulted regarding the potential for increased congestion and parking nuisance. It is also suggested that a parking plan be submitted to help manage any parking nuisance.

#### **MCC GI and Landscape - No objections**

The structures are akin to the existing stand and do not propose obtrusive works to the grounds or result in a loss of significant green space to accommodate them. There is little impact to the existing TPO 102/G4 which remains protected. The limited loss in green space and water managed into a soakaway means that the development will not have a detrimental impact on the wider landscape. A clear root protection zone would be required during construction. Concerns were raised regarding provision for less able spectators, and advice provided in relation to SuDS opportunities and/or green roofs to the stands.

#### **Lead Local Flood Authority and SuDS Approval Body**

The proposed site layout and drainage system will impact runoff from the site. The application includes no drainage information or ground testing. If the total construction area is above 100m<sup>2</sup> then SAB approval will be required prior to works commencing on site. If the site is below 100m<sup>2</sup> total construction area a condition will be needed.

During construction the applicant will need to ensure that there are no increases in run-off or silt

washing into local watercourses. This can be managed by constructing the drainage system first and ensuring silt management measures are in place.

(for clarity SUDS approval is required for the proposals)

## **MCC Building Control - No Comments.**

### 5.2 Neighbour Notification

A number of objections have been received in relation to the application and a smaller number of letters in support. A number of these objections do not relate to valid planning considerations; however they are summarised below for completeness.

Letters of objection received after consultation from four addresses

The stands will not be used, they might be a requirement of the FAW however they seem unnecessary for the club's needs. The 100-seater stand should be 50-seater and should not extend beyond the changing room building.

Insufficient parking for the increase in demand, the proposed increase in parking is not sufficient and the parking management plan will not alleviate problems, parking will be pushed to adjacent streets. The anti-social and dangerous parking issues are on training nights as well as match nights. Reference is made to turning left into Larkfield from the A48 is extremely dangerous on a match or training day due to the number of cars parked right up to the junction. Traffic will back up around surrounding roads.

Previous traffic management arrangements have not worked.

An emergency vehicle would struggle to access the grounds.

Visual impact on neighbouring properties, harming outlook and value of properties. There are alternative, more suitable locations. There is not the capacity for 250 people here.

The stands have a detrimental impact on the properties behind it all year round.

There will be an increase in noise and anti-social behaviour, litter and damage from patrons at the club house at night. In addition, other activities at the club cause theft and littering.

Consideration must be given to the safety of residents but also that of spectators and others using the facility. Improvements to the boundary fence are required.

That residents were not informed of the application.

The stand will harm existing trees, especially conifers.

Volunteers with no legal powers, putting out cones will not resolve the issue and may stop residents from parking outside their own properties.

Resident only parking is the only solution.

Three letters of support:

Great facility for young people (male and female) in Chepstow and surrounding areas. Great to support young people and to get them involved and somewhere to belong and a safe environment for sport.

### 5.3 Local Member Representations

Councillor Paul Pavia - Support for the club and its role.

The increased parking and traffic management plan is welcome and does strengthen the application. One of the public comments I have seen recently does raise the concern about volunteers managing this on their own without additional support from statutory agencies. I would like to see how this works in

practice but to have regular review points through the season to see if things need to be

altered/amended. This needs to happen whether or not the club does achieve promotion because current traffic/parking problems do continue to cause a challenge locally in that area.

I note the comments made by colleagues in MCC Highways to the amended application: Whether the football club would be able to amend the plan at this stage and get that buy-in from police I don't know. However, it is something that must be properly examined and acted upon because it will

improve resident buy-in to this development. The football club must continue to demonstrate that it is a good neighbour and look to fully understand and mitigate any match-day impact on residents. The relocation of the 100-seater stand closer to the existing 100 seater stand was requested as this would mitigate some concerns of the neighbours. This should be explored.

Other issues arise around anti-social behaviour, whilst not materially relevant to the application, are something that should be managed comprehensively as a matter of course.

Please note all representations can be read in full on the Council's website:  
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 Policy S5 of the Monmouthshire LDP states that development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. The principle of a new stand on the existing football pitch within the development boundary is acceptable in policy terms. In this case the material planning considerations are the visual impact of the stand, impact on neighbour amenity, parking provision and ecology. Policy CRF1 of the LDP seeks the retention of existing community facilities and Policy CRF3 looks at safeguarding existing recreational facilities.

### **6.2 Sustainability**

6.2.1 The application relates to an existing football club and seeks to increase the number of stands that are available for spectators. The planning application seeks to install two new covered spectator stands, one with 100 seats and one with 50 seats and retrospective permission for the existing 100 seat covered stand. The new stands are required to meet the Football Association of Wales (FAW) facility requirements to compete in Tier 2 of the Welsh amateur football pyramid. The club currently competes in Tier 3. There is no indication that if the club was to be promoted, that this would result in more spectators attending the games. The provision of covered seating provides the current spectators somewhere to sit; it does not directly follow that the new seating will attract more spectators or visitors as the grounds can accommodate these spectators in standing areas at present. There is no correlation between the provision of the new stands and the number of spectators likely to attend matches at the site in the foreseeable future. There is only one football pitch on the site and one training area, the number of pitches will not increase so that only one match can be played at any one time.

For existing spectators Chepstow is serviced by a suitable bus service and train provision. As a 'Main Town' Chepstow is considered to be a sustainable location for such recreational provision.

### **Good Design**

6.2.2 The size of the stands is determined by FAW league requirements. There is a Council-wide policy to develop and promote sport facilities. The use of box steel sheeting is appropriate for this type of development and has been used on other sports facilities across the County including Goytre, Undy and Caldicot football club stands. The design of the stands is determined by their function and considered acceptable in this location, which is a standard design and form. The stands will provide 4 tiers of seating facing towards the pitch and away from the surrounding residential properties. The design and finishing materials of the proposed structures would be in keeping with the general character of this football ground and would not be incongruous in this location. The proposal therefore accords with the objectives of Policy DES1 of the LDP in terms of providing high quality sustainable design.

### **Place Making**

6.2.3 The proposed stands will be sited within the existing football ground, close to the existing club house. They will not be visually prominent when viewed from outside the site. It has been

suggested that the position of the two new stands be reversed with the new 100-seater stand going next to the existing stand and the 50-seater stand being located at the northern side, closer to the changing rooms. The club has functional reasons why this would not work including the need to separate the home and away fans. PPW 11 says 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. In this case the provision of two new stands will enhance the facilities of the ground and provide a greater sense of place for users of the club. The form, scale and visual appearance of the proposed stands would engage with their surroundings. The design is acceptable and complies with the objectives of Policy DES1 of the LDP and PPW11 in promoting good design.

### Area of Amenity Importance

6.2.4 The site has been designated as an Area of Amenity Importance under LDP Policy DES2. Development proposals on areas of amenity importance will only be permitted if there is no unacceptable adverse effect on the visual and environmental amenity, contribution to character, amenity use, cultural amenity values and nature conservation interests. The proposed stands will not have a detrimental impact on the character and appearance of the wider landscape, they will contribute to the character of the area and improve the facilities for users of the club. Nature conservation interests can be enhanced. The proposal therefore accords with the objectives of Policy DES2 of the LDP as it will have no unacceptable, adverse effect on the designated area of amenity importance.

### 6.3 Landscape

6.3.1 The Council's Landscape and GI Officer has reviewed the application and offered no objection. The Landscape Officer initially raised concerns regarding inclusive access for all spectators. Adjacent to the club house there is a raised patio area facing the pitch that can be used by spectators that have limited mobility.

There appears to be no impact on the existing beech tree covered by TPO GWT:102/G4. There will be a small loss of existing amenity grass to accommodate new stands and an increase in surface water collection proposed to go to soakaway, however this is not considered harmful. The proposals are acceptable in landscape terms.

### 6.4 Impact on Amenity

6.4.1 The land is already used as a football pitch for the existing club. The introduction of the stands should not in itself result in an increase in the numbers of people attending the games, rather it will provide current standing spectators with covered seating provision. The new 50-seater stand will be located to the north of the existing 100-seater stand between the existing stand and the club house on the north-eastern edge of the pitch. The new 100-seater stand will be located to the north-west of the pitch.

6.4.2 Larkfield Park is to the north-east with properties facing towards the application site. The closest property, 21 Larkfield Park (at its closest point) is 21m away from the existing stand and will be 28m away from the proposed 50-seater stand. 20 Larkfield Park is 25m from the existing stand and will be 27m away from the proposed 50-seater stand. 19 Larkfield Park is side onto the pitch and from the rear elevation the existing stand is 28m away and the proposed 50-seater stand will be 27m away. Larkfield Park is separated from the football ground by a mature hedge/tree buffer formed along the edge of the grounds, the existing road and each property's own boundary treatments. The extension of the car park in a southerly direction will result in the loss of some vegetation but this is not considered to be excessive, all other boundary treatments are to remain as existing. The stands would be visible from the first-floor windows of these properties, but given the distances involved, the intervening road and the existing vegetation this is not considered to be visually prominent or overbearing. The visual impact of these stands is not considered harmful to the existing properties.

6.4.3 To the north-west boundary, the side elevation of the former Countrywide stores forms a hard boundary to 50% of this boundary. Seven properties are adjacent to the boundary at the northernmost corner, closest to the clubhouse. These are grouped as 32, 33, 34 and 28, 29, 30, 31 Larkfield Park. The new 100-seater stand is proposed to the northern edge of the pitch; this will be 35m to the rear of 34, 36.5m from 33 and 37m from 32 Larkfield Park. The stand will be 33m from the rear of 28 and 45m from the rear of 31 Larkfield Park. The existing club house obscures views of the stand from the group of four properties, 28-31 Larkfield Park. Given the small scale of the

stand and the intervening distance involved, the proposal would not result in any loss of outlook.

6.4.4 The distance of the proposed stands from neighbouring residential properties combined with their low height means that the residential amenity of nearby residents will not be compromised. In addition, the stands are facing towards the pitch and away from the houses which will help to contain any noise from spectators. As discussed, the club is operational and spectators are using the areas around the pitch, the proposals provide seating provision for current spectators. The proposal therefore accords with the objectives of LDP Policy EP1 as it does have regard to the privacy, amenity and health of occupiers of neighbouring properties.

## 6.5 Highways

### Sustainable Transport Hierarchy

6.5.1 PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the built-up area of the town within easy walking distance of all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. As stated above, the erection of spectator stands at the club will not necessarily increase the numbers of players, officials or spectators visiting the site. The number of pitches is not increasing. It could be argued that if the club was to be promoted to a higher tier, they would be playing teams from further away, and that these visiting players and fans are more likely to car share, than if they were from the local area. Most visiting teams transport their players to games using a 17-seat minibus and on match days there is a designated parking space for this vehicle in the car park.

### Access / Highway Safety

6.5.2 Chepstow AFC is located on playing fields, south of the A48, Newport Road. The clubhouse, car park and playing field are accessed via a double field gate drive of Larkfield Park, a residential street serving approximately 65 houses and flats. The area is well served with an array of footways and link footpaths providing links to other residential streets and the wider community. The access into the site is not being altered.

### Parking

6.5.3 The existing car park as laid out provides parking for approximately 26 cars. The Parking Management Plan submitted on behalf of the football club outlines that an additional 11 car parking spaces are to be provided by expanding the car park in a southerly direction, within the grounds of the club. Chepstow Town AFC is well-established at this site and the highway authority acknowledge that the adjacent residential street experiences on-street parking stress during match days and other large events at the ground. The club has limited off street parking provision and no public car parks are located within reasonable walking distance of the ground.

6.5.4 In accordance with the Council's adopted parking standard the car parking provision is;

Stadia 1 commercial vehicle space & 1 space per 15 seats -

- o In addition to the operational parking requirements for servicing purposes, sufficient additional space must always be provided to allow servicing vehicles to both enter and leave the curtilage of the premises' servicing area in a forward gear.
- o Appropriate provision must be provided for use by disabled people.

6.5.5 In accordance with the Council's adopted parking standards the number of spaces required to accommodate 250 seats is 17 spaces, while the existing car park accommodate 26 spaces and so is more than adequate to accommodate the required number of vehicles and operational requirements. Two disabled parking spaces are provided within the existing car park.

6.5.6 The highway authority raised concerns regarding the parking stress experienced on the immediate residential streets. These streets are public highways and the highway authority has not set any specific traffic regulation orders within these streets for parking in general or to control obstructive and dangerous parking. Given the current use of the site there were not considered to be sufficient grounds to object to the proposal. It was recommended that the police were consulted regarding the proposal and the potential for increased congestion and obstructive parking.

It was also suggested that the applicant consider the development and introduction of a traffic and car parking plan in conjunction with the local police and Council to manage and limit the car parking on the adjacent residential streets. Gwent Police have been consulted on this application and the traffic management plan but have yet to respond.

6.5.7 The Football Club has produced a Match Day Car Parking Management Plan which states:

“Car Park Management Plan: Increase of on-site parking provision by an additional 11 spaces. The inclusion and layout of these additional spaces are shown on Plan Ref: MH-8721 rev B.

On future match days, the club will have on duty two car parking stewards to manage access to the car park and to control parking in the local area. This will be achieved using a 1.2m-high crowd control barrier at the car park entrance and no-parking cones on the surrounding residential roads, principally Larkfield Park and Larkfield Grove but also Gwentlands Close if this is found to be necessary.

In addition to these on-site measures, we will write to opposing teams in advance of each fixture, advising them to limit the number of cars used by visiting players and spectators and not to park in the adjoining residential roads. We will also advise them of other public car parking spaces within the town.

If a situation arises where there is obvious demand for on-site parking and there are limited spaces available, the car parking stewards will advise motorists to park their cars at the Chepstow Comprehensive School/Leisure Centre site in Welsh Street and share one car that will then be allocated a parking space in the club car park on their return to site.

The stewards will also have in their possession on match days a plan showing the position of the public car parks in the town - at Bank Street, Nelson Street, Station Road and Bulwark Road.

In addition, there are some limited on-street car parking spaces available in proximity to the ground - at the A466 Wye Valley Link Road and in Mathern Road adjacent to Chepstow Cemetery, both of which are within a five-minute walk from the ground.

In terms of future proofing and responding to the climate change agenda, it is anticipated that over the next few years there will be a significant proportion of the population that will own and use electric vehicles. There is a 50kw electric charging point located in the car park of the Two Rivers Hotel, available for public use, which is less than a three-minute walk from the club's premises.

Note

This car park plan will be managed by club officials and volunteers - the club and its members have no legal powers to enforce any measures contained in the plan that relate to car parking controls on local roads. This is the responsibility of the County Council in its capacity as local highway authority. However, the club wishes to be a "good neighbour" and to avoid wherever possible any tensions caused by on-street parking in the local area close to the club's premises, so it will make every endeavour to control car parking in the vicinity of the ground.”

6.5.8 The Highway Authority welcome the provisions set out in the Parking Management Plan. Although the provision of spectator stands within the grounds will not necessarily lead to an increase in spectators visiting the site on match days, the management plan will help to improve the current situation.

## 6.6 Biodiversity

6.6.1 The Protected Tree on the site is over 130m away from the siting of the proposed stands. There will be no development close to the tree, so the tree which is the subject of the preservation order will not be affected. There will be some loss of grassland, where the stands are to be placed, but this grassland is pitch side and not of ecological interest. The loss is very small compared to the size of the whole football ground and therefore not significant. The applicant will provide biodiversity enhancements in the form of an open bird nest box on the gable wall of the club house and a bat box situated 4 metres off the ground within an existing mature beech tree. These enhancements are appropriate and proportional for the proposal and will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, PPW11 and LDP Policy NE1.

## 6.7 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15

## 6.8 Drainage

### 6.8.1 Foul Drainage

There will be no additional foul drainage as a result of this proposal

### 6.8.2 Surface Water Drainage

The surface water from the roof of the stands will soak into the ground. The total construction area is above 100m<sup>2</sup> (building footprint, yard area, hardstanding and parking bays) so SAB approval will be required prior to any works commencing on site. The applicant has been informed of this.

## 6.9 Phosphates

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

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

6.10.1 Chepstow Town Council recommend approval of the application but question the level of parking provision and the surface water drainage from the stands. The parking provision has been discussed in detail above, although this development will not lead to an increase in the number of people using the club, the car park at the club is being increased by 11 spaces to help improve the existing parking stress in the local area. The surface water from roofs of the stands will need to be the subject of a SAB application, as will the extension to the car park.

6.10.2 The majority of letters receive from residents were concerned about the increase in parking on the neighbouring residential streets. This has been considered in the main body of the report. This planning application is for the erection of two additional stands and the retention of an existing stand. The erection of the stands will not result in a significant increase of players, officials or supporters. The increase in the size of the car park within the grounds of the club to provide an additional 11 spaces and the match day parking management plan is considered suitable to mitigate against any additional harm over and above the existing situation. There is no reason why emergency vehicles could not get to the site as a result of this proposal.

6.10.3 Reference is made to the loss of outlook from existing properties as a result of the proposed stands. However as addressed above it is considered that there are sufficient distances between the stands and the nearest residential properties so that there is no likelihood of significant loss of outlook or privacy to neighbouring residents. Given the distances involved and the existing vegetation along the boundary of the site, the stands will not have a harmful effect on neighbour amenity both in terms of being overbearing or by way of noise/ light disturbance.

6.10.4 Reference has been made to the issues surrounding anti-social behaviour of patrons to the club house. It is not considered that the provisions of the stands will directly affect the behaviour of the patrons of the football club. The club house is operational at present and will continue to operate in its current capacity. Management of the club patrons is a matter for the staff of Chepstow AFC.

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

6.11.1 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.

## 6.12 Conclusion

6.12.1 Policy S5 of the Monmouthshire LDP states that development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. The principle of a new stand on the existing football pitch within the development boundary is acceptable in policy terms. The proposal will improve the facilities at the club. The new stands are required to meet the FAW facility requirements to compete in Tier 2 of the Welsh amateur football pyramid.

6.12.2 There is no direct correlation between the provision of the new stands and the number of spectators likely to attend matches at the site in the foreseeable future. The proposal will not result in more games being played at any one time as the number of pitches on the site is not increasing. The design of the stands is determined by their function and considered acceptable in this location. The design and finishing materials of the proposed structures would be in keeping with the general character of this football ground. The proposal therefore accords with the objectives of Policy DES1 of the LDP in terms of providing high quality sustainable design.

6.12.3 The distance of the proposed stands from neighbouring residential properties combined with their low height means that the residential amenity of nearby residents will not be compromised over and above the current situation. The proposal therefore accords with the objectives of policies EP1 and DES1 of the LDP. The size of the car park for the club accords with the adopted parking standards although given the considerable concern from local residents about the level of current parking on residential streets during match days, the proposal includes increasing the size of the existing car park by 11 spaces and providing a parking management plan mitigating these concerns.

## 7.0 RECOMMENDATION: APPROVE

### Conditions:

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

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

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

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

3 The Car Park Management Plan hereby approved shall be complied with from the date of this planning permission. Chepstow Town AFC shall operate in strict accordance with the provisions of the approved management plan in perpetuity.

REASON: To ensure that parking can be managed in a way that it does not harm the amenities of local residents to ensure that the use accords with the objectives of policy EP1 and MV1 of the LDP.

4 The extension to the car park as shown on Plan Ref: MH-8721 rev B. shall be completed in full in accordance with the approved details within 6 months of the date of this approval.

Reason: To ensure that parking can be managed in a way that it does not harm the amenities of local residents to ensure that the use accords with the objectives of policy EP1 and MV1 of the LDP.

5 The biodiversity net benefit measures as illustrated in plans entitled MH-8721 rev B proposed Site plan shall be implemented in full and shall be retained as such in perpetuity.

Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the spectator stands hereby approved.

Reason: To ensure appropriate mitigation for protected and priority species and provide biodiversity net benefit ensuring compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

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**Application Number:** DM/2021/01367

**Proposal:** Change of use of building from offices to single dwelling with associated works

**Address:** Ashbourne House, 33 Bridge Street, Chepstow

**Applicant:** Mr and Mrs R Taylor

**Plans:** Floor Plans - Existing 2341/1 - , Elevations - Existing 2341/2 - , Block Plan 2341/3 G - Rev G, Floor Plans - Proposed 2341/4 - , Elevations - Proposed 2341/5 A - Rev A, Other FLOOD STATEMENT - , Heritage Statement - , Other

**RECOMMENDATION: Approve**

Case Officer: Ms Kate Young  
Date Valid: 10.08.2021

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

## 1.0 APPLICATION DETAILS

### Site Description

1.1 Ashbourne House is a three-storey property, originally built as a dwelling house but about 25 years ago it was converted into offices and has remained in office use ever since. It occupies a prominent position with the property fronting onto Bridge Street and the rear facing towards Chepstow Castle. There is vehicular access through the Castle carpark and a large car parking area at the rear of the property within the existing curtilage. The property is finished in render with a slate roof. It is a Grade II listed building and located within the Chepstow Conservation Area.

1.2 The site is located within the Chepstow Development Boundary. The rear part of the building along with the car parking area and vehicular access is located within a C1 Flood Zone as defined in the TAN 15 DAM maps. Under the provisions of the December 2021 TAN15 the Castle carpark is defined as being in the Defended Zone, although the updated maps and revised TAN15 have been suspended for 18 months. Thus, the building's position in respect of current planning policy is that it is in a C1 Flood Zone. The site is also located within an Archaeologically Sensitive Area.

1.3 A concurrent application for listed building consent has been submitted under DM/2021/01368.

### Value Added

1.4 The detailed design of the proposal was discussed at the pre-application stage. All fencing and gates have now been removed from the proposal. Neighbours and interested parties were re-consulted on these amendments.

### Proposal Description

1.5 The application seeks the conversion of the offices back into a single residential property. There will be no external alterations to the front of the property that faces onto Bridge Street. At the rear a roof lantern will be added to the existing single story extension. The large window on the side elevation facing into the courtyard will be changed to timber patio doors and a small new window will also be added to the side elevation which will serve a landing and face the existing store building.

The existing access and car parking arrangement will not alter.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01367	Change of Use of building from offices to single dwelling with associated works	Pending Determination	
DM/2021/01368	Change of Use of building from offices to single dwelling with associated works (LBC)	Pending Determination	

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

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

### Development Management Policies

HE1 LDP Development in Conservation Areas  
E1 LDP Protection of Existing Employment  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

### Supplementary Planning Guidance

Chepstow Conservation Area Appraisal (March 2016):  
<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

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

### National Planning Policies (If Any)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):  
<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

## 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 that will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### Planning Policy Wales (PPW) Edition 11

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

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

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

#### **Chepstow Town Council** – Approve

##### **MCC Highways** - No objection

The property is ideally located within walking distance of all available amenities and attractions you would expect and good access to bus and rail transport links. The application proposes the retention of the rear car parking area and access from the adjacent car park.

##### **MCC Heritage Officer** - No objection

Ashbourne House is a grade II listed building in the Chepstow Conservation Area. The proposal would restore the historic use of the building as a single dwelling. External alterations are minimal, focused on the rear elevation. The proposal will not impact the Conservation Area.

##### **MCC Environmental Health** - No objection.

##### **Glamorgan Gwent Archaeological Trust (GGAT)** - No objection

The application is for the change of use from offices to a dwelling. Whilst there will be changes to the interior, which is not included in the listing description, the footprint of the structure will remain unchanged. Therefore, it remains the case that is unlikely significant archaeological remains will be encountered.

##### **Cadw** - No Objection.

The removal of the proposed fence has significantly reduced the likely impact of the proposed development on the setting of the scheduled monument. The Heritage Impact Assessment contains sufficient information for us to conclude that whilst there may be a very slight visual change in the view from the Castle, this will not have any effect on the way that it is experienced,

understood and appreciated. Consequently, the proposed development will have no impact on the setting of scheduled monument MM002.

### **Natural Resources Wales (NRW) - No objection**

The planning application proposes highly vulnerable development, change of use from offices to single dwelling. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15. The FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application as submitted.

### **5.2 Neighbour Notification**

Letters received from five addresses following re-consultation on 09/09/21.

Several residents in this Terrace have been subjected to retrospective planning obligations to re-visit alterations to their properties that in some instances were not carried out by the purchaser but by the previous occupant. This is as a result of the change from the status of Grade II to Grade II\* for Castle Terrace. I believe the residents from no 37 down to no 33 as in the Title Deeds should have access to the grassed area adjacent to the Cadw Parking for service access and essential maintenance to their houses. They have prescriptive practical rights.

It is considered that the historic gateway access from the Cadw Parking area should be re-established according to Listed Planning Law as it is in the curtilage of these Listed Buildings and a Conservation Area directly in front of Chepstow Castle.

Concerns over the impact of the proposed boundary fence because of the impact on light and views to and from neighbours, it will look out of place in the Conservation Area and setting of the Listed building.

Objections in relation to the installation of a gate, electric or otherwise, as it will prevent access for utilities.

Concerns over the impact on the occupant of the new residential unit given the adjacent public house and potential noise disturbance.

Concerns over enclosing the lawned area and restricting access to adjacent properties.

Use of a second-floor side window in Ashbourne House (which was never used during business occupation) would mean loss of privacy for me and my neighbours as it directly overlooks our outside spaces. The change of use will result in an overall loss of privacy.

Concerns over the loss of a business premises.

Concerns about the loss of wildlife to the rear of the property, reference is made to Hedgehogs.

Concerns over the ownership and rights to the land.

Please note all representations can be read in full on the Council's website:  
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 Policy S1 of the LDP says that the main focus for new housing development will be within the main towns of which Chepstow is one. Policy H1 of the LDP allows for residential conversion within development boundaries, subject to detailed planning considerations. There are residential

properties to the south of Ashbourne House, while the adjoining property to the north is a public house. The property was originally built as a residential property; therefore, the principle of residential development in this location is acceptable. PPW11 encourages residential development in sustainable locations saying that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

6.1.2 The building is currently used as a B1 office use. The site is not within an area protected for employment purposes under Policy E1 of the LDP. The fact that these and many other office sites within Chepstow remain vacant would indicate that there is limited demand for such premises in this location. It is more beneficial for the character and appearance of the Conservation Area to have occupied residential units than it is to have a range of vacant commercial units. The loss of the office unit in this location would not be prejudicial to the aim of creating a balanced local economy given the variety of industrial and commercial facilities that are currently available in the area. Within the town centre there is a surplus of office accommodation and there is no policy reason for Ashbourne House to remain as offices as it is not in the Central Shopping Area. The principle of the proposed change of use therefore accords with Policies S1 and H1 of the LDP.

## **6.2 Sustainability**

6.2.1 Chepstow Town Centre is one of the most sustainable locations within the County with good public transport links, including bus and train services within walking distance of the site. The occupiers of this property would also be able to walk to all of the facilities within the town centre. The LDP and PPW encourage sustainable development and promote making the most efficient use of brownfield land. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

### Good Design and Place Making

6.2.2 Policy DES1 of the LDP requires that the proposed dwelling contributes to a sense of place while its intensity is compatible with existing uses. The application relates to a very imposing three storey listed building that makes a very positive contribution to the Chepstow Conservation Area. The rear elevation and access to the site are seen in the context of Chepstow Castle. There will be very few external alterations to the building. The front elevation that faces onto Bridge Street will not be altered in any way. In the rear, there will be a roof lantern over the existing flat roofed extension. The character of the roof lantern is in keeping with the character of the property. Cadw states that the new sky lights will result in a very slight visual change in the view from the Castle, although this will not have any effect on the way that the Castle is experienced, understood and appreciated. Thus, the proposed development will have no impact on the setting of scheduled monument MM002. The other alterations to the ground floor are the alterations of the large existing window on the side elevation to form new timber patio doors and the introduction of a new window on the side elevation. Both face towards the existing courtyard and store building and will not be visually prominent from any public vantage point. Following revision to the plans, the fence and gates have been omitted and so there will be no alterations to the boundary treatment of the site or the parking area. The building is listed and Listed Building Consent will consider the design in greater detail.

6.2.3 This application seeks the conversion of an existing building. There are very few external alterations. The change of use will have very little impact on the design of the existing building; it will retain the building's appearance and not alter the street scene. The design of the proposal is respectful of the prevailing character of the area and would contribute towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 and HE1 of the LDP. PPW 11 says 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. In this case the physical alterations are only minor and do not adversely affect the character of the area or alter the sense of place.

## **6.3 Historic Environment**

6.3.1 The impact on the Listed Building will be considered in full in the concurrent Listed Building Application which concludes that the proposal will restore the historic use of the building as a single dwelling. External alterations are minimal, focused on the rear elevation so the proposal will not fail to preserve the character or appearance of the Conservation Area. The proposal therefore accords with the objectives of Policy HE1 of the LDP.

## **6.4 Impact on Amenity**

6.4.1 The front of Ashbourne House looks over Badminton Gardens and there will be no alterations to the front elevation. There will be no overlooking of neighbouring properties from the proposed roof lantern as it is set into the ceiling above eye level. The new window on the ground floor looks directly into the existing storeroom of the property itself and does not overlook any neighbouring properties. The enlarged window to the kitchen faces south-west and looks towards an existing stone wall and green space. There will be no significant increase in overlooking or loss of privacy resulting from the conversion of this window into patio doors. All of the other windows on the property are existing. There will be no additional overlooking as a result of this proposal as the buildings form a terrace and have views north-west towards the Castle rather than onto each other. Residential amenity will not be affected by this change of use. The impact of the adjacent public house on the new occupants of the newly formed residential unit has been raised. However, the public house is existing and a new occupant will be moving into an existing situation and would be aware of the current use and activity associated with the property. The proposal accords with the objectives of Policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

6.4.2 The local residents in adjoining properties have referred to loss of light and views resulting from the proposed fence. The proposed fence has been removed from the scheme and no new fences are being proposed.

## **6.5 Highways**

### Sustainable Transport Hierarchy

6.5.1 PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the centre of Chepstow within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the County and the occupiers of this dwellings will be less reliant on the car to go about their daily business.

### Access / Highway Safety

6.5.2 There will be no alterations to the vehicular access into the site. The amount of traffic generated as a result of the change of use may be less than the current office use. The Highway Authority have no objection to the proposal.

### Parking

6.5.3 The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom up to a maximum of three. In this case there are more than three off road parking spaces provided at the rear of the property; these will be unaltered so that the proposal accords with the objectives of Policy MV1 of the LDP

## **6.6 Right of access and Land ownership**

6.6.1 Local residents have raised concerns regarding landownership and legal rights of access to the rear of their properties. These are not material planning considerations, rather they are private legal matters between the interested parties. The applicants have submitted title deeds to the property which shows that all of the land within the red line boundary is in the ownership of

Ashbourne House. There are five properties on Bridge Street whose rear gardens extend to the green garden space of Ashbourne House and it appears that the occupiers of some of those properties may cross the land to the rear of Ashbourne House to gain access. There is no definitive footpath shown on the Council's records, but the residents of other properties may have historical private rights over the land. The neighbours state that the utility companies have the right to access their equipment and assets; this is correct and will not be affected by this proposal. The application has been amended and there is now no additional fencing.

## 6.7 Flooding

6.7.1 The rear part of the property, the access and parking area are all in a C1 Flood Zone have regard to the Development Advice Maps (DAM) contained in TAN15. The application proposes highly vulnerable development, a change of use from offices to a single dwelling. Policy S12 of the LDP refers to Efficient Resource Use and Flood Risk, it states that " all new development must avoid the siting of inappropriate development in areas at risk of flooding".

6.7.2 LDP Policy SD3 also refers to flood risk and Section 6 of TAN15 requires the Local Planning Authority to determine whether the development in the location is justified with regards to the tests set out in section 6.2 of TAN15. The application has been supported by a Flood Consequence Assessment. NRW has reviewed the submitted FCA and concluded that the risks and consequences of flooding are manageable to an acceptable level. Therefore, they have no objection to the application as submitted.

6.7.3 The tests in part 6 of the TAN set out that new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development will only be justified if it can be demonstrated that:

- i) its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii) it concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv) the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

6.7.4 In this case the application relates to the conversion of an existing building. The site has been previously developed and only a small part of the property will be in the flood zone. The proposal is required to sustain the existing settlement in Chepstow and provide much needed housing within the town. This also represents a new and sustainable use for the listed building which supports the need to preserve the County's rich heritage. NRW has confirmed that the submitted FCA has demonstrated that the risks and consequences of flooding can be acceptably managed. The proposal therefore accords with the four tests outlined in paragraph 6 of TAN15.

6.7.5 The new TAN 15 and Flood Map for Planning was intended to come into effect on Wednesday 1 December 2021 bringing in newly revised and updated mapping and more up to date policy. However, this has been suspended until June 2023 and so the revisions are not a material consideration in respect of this application.

6.7.6 The changes however show that under the revised maps the site is partially in a Defended flood zone 2. The access and part of the parking provision for Ashbourne House is also in a TAN Defended Zone. In a TAN Defended Zone applications for development can proceed subject to the risks and consequences of flooding being acceptably managed. In this case the applicants are aware of the flooding issues and the flood emergency plans. The application relates to a change of use with no new build and so that the proposal will not increase the risk of flooding elsewhere. The house itself is outside the flood zone. On implementation the proposal will therefore accord with the advice given in the present version of the new TAN15.

## **6.8 Drainage**

### Foul Drainage

6.8.1 The foul water discharges to mains drains, there will be no increase in discharge as a result of this change of use.

### 6.9 Surface Water Drainage

6.9.1 There will be no increase in the amount of hard surfaces on the site as a result of this proposal. There will be no increase in the size of the footprint of the building and no increase in the car parking area. Rates of surface water flow will remain unchanged as a result of this change of use from offices to residential.

## **6.10 Phosphates**

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

## **6.11 Biodiversity**

6.12.1 PPW11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The proposal includes biodiversity enhancements in the form of bat and bird boxes on the rear of the dwelling. These measures have been shown on the elevation drawings and this will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning PPW11.

## **6.12 Response to the Representations of Third Parties**

6.12.1 The majority of the objections refer to a timber fence blocking access to the rear of adjoining properties in Bridge Street. The fence and electric gates have now been removed from the scheme and so no longer form part of the application.

6.12.2 The right of access over a piece of land is not a material planning consideration. This right of access has not been conclusively proven, but it appears to be historical, but this is not a planning matter being a civil legal matter between the parties involved. The right of access for utilities and services will not be affected by the proposed change of use. No public rights of way will be blocked as a result of this application.

6.12.3 An objector has referred to a second-floor window suggesting that this would increase the level of overlooking, but there are no new windows being proposed to the upper floors which would increase overlooking. The current use sees the building occupied throughout mainly business hours, and the residential use will mean the building is occupied most of the time, albeit to a lower intensity. For the reasons identified above the position of the building in relation to neighbours and the position of windows means that despite the longer periods of occupation the impact on overlooking would be limited and acceptable.

6.12.4 Neighbours are concerned by the impact on wildlife especially the fence preventing the movement of hedgehogs. The proposal does not now involve any new boundary treatments. The change of use of the property will not involve any alterations to habitats - in fact biodiversity enhancements are to be introduced in the form of bird and bat boxes.

6.12.5 In addition, views of the Castle will not be impacted; the only physical alterations to the building are the enlargement of one window, the introduction of a small window on the side elevation and the installation of a roof lantern. Cadw has considered the impact of these on the Castle and concluded that the proposal will have no impact on the setting of scheduled monument MM002 Chepstow Castle.

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

6.13.1 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.

### **6.14 Conclusion**

6.14.1 For the reasons identified above it is considered that the change of use of the listed building is acceptable and meets the relevant policies by being located within the development boundary and in a sustainable location. It is not a protected employment site, provides the necessary parking and has sufficient access. It proposes suitable physical changes to the listed building and respects the setting and character of the area protecting the natural and built environment as well as maintaining neighbour amenity. The impact on flooding has also been assessed and considered acceptable.

The proposals therefore accord with the policies identified above and the proposals are 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 The Biodiversity net benefit measures as illustrated in plans entitled Proposed Elevations 2341 5A submitted on 22/11/21, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension commencing.

Reason: To ensure appropriate mitigation for protected and priority species and provide biodiversity net benefit ensuring compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

**Application Number:** DM/2021/01421

**Proposal:** Installation of new solar panels to roofs of existing railway carriages

**Address:** Old Station, Tintern, Chepstow, NP16 7NX

**Applicant:** Monmouthshire County Council

**Plans:** All Proposed Plans A9814/RC/01 - , Location Plan - , Other ECOLOGY REPORT - , Heritage Statement

## **RECOMMENDATION: Approve**

Case Officer: Ms. Kate Young  
Date Valid: 07.09.2021

**This application is presented to Planning Committee as the application is submitted by Monmouthshire County Council's Tourism and Leisure Department and there are some unresolved objections**

## **1.0 APPLICATION DETAILS**

### Site Description

1.1 The site which is the subject of this application is the Old Station Railway and Picnic Site, Tintern. The site is located in an area of open countryside within the Wye Valley Area of Outstanding Natural Beauty. There are several listed buildings and structures on the site but the existing railway carriages, sited permanently in the grounds of the station that are the subject of this application, are not deemed to be curtilage listed.

1.2 The railway carriages lie wholly within a C2 Flood Zone as defined by the Development Advice Map (DAM) of Technical Advice Note (TAN)15 - Development and Flood Risk. The site is outside but adjacent to the 50m buffer of the Wye Valley Special Area of Conservation and is outside the Phosphorous Sensitive Area of the River Wye.

### Proposal Description

1.3 The application seeks the erection of 16 solar panels on the roof of the railway carriages. Each carriage would have eight curved panels positioned centrally above each large window. The panels would measure 2.6m by 1m. The High Efficiency CIGS PV cells would be held in place by pressure. The solar panels would help to make the tourist attraction more energy efficient.

1.4 The solar panels are part of a general upgrade of the facilities at Tintern Station. In many cases the provision of photovoltaic panels do not require the benefit of planning permission but in this case they do because the panels will be within one metre of the edge of the roof.

A Heritage Impact Statement and an Ecology Report were submitted as part of the application.

## **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/2019/00022	Formation of new access door for transportation of sit on train unit, to and from current storage location within the signal box.	Approved	04.04.2019
DM/2021/01416	Proposed installation of 2no. shower/toilet blocks, to serve site visitors and nearby camp site.	Pending Consideration	
DM/2021/01421	Installation of new solar panels to roofs of existing railway carriages.	Pending Determination	
DC/2012/00543	Renewal of planning consent 2007/00190 - Phase 1: to lay 500m of 12 1/4 inch railway track from existing signal box to Brockweir bridge, to erect a steel carriage shed (clad in wood) to house engine and rolling stock. Phase 2: to continue track southwards by 280 metres.	Approved	30.10.2012
DC/2007/00190	Phase One - to lay 500 metres of 12 1/4 inch railway track from existing signal box to Brockweir Bridge; to erect a steel carriage shed (clad in wood) to house engine & rolling stock - sited by play area. Phase Two - to continue track southwards by 280 metres.	Approved	29.06.2007
DC/2006/01466	Re-surfacing Of Existing Stoned Footpath On Dismantled Railway Formation With Dense Bitumen Macadam Binding Course Finished With Sealing Grit, Of Dimensions - 2.5M Wide, 395M Long = 987.5 M2	Approved	27.06.2006

DC/2014/00875	Siting of two moveable camping huts.	Withdrawn	25.11.2015
DC/2009/00913	Replacement of two railway carriages	Approved	18.11.2009
DC/2010/00085	Flag to be flown from single flag pole.	Approved	14.04.2010
DC/2005/00059	Creation Of A Shared Surfaced Path For Cyclists & Pedestrians	Approved	08.09.2006

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

#### **Strategic Policies**

S5 LDP Community and Recreation Facilities S11  
LDP Visitor Economy  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment S17  
LDP Place Making and Design

#### **Development Management Policies**

SD1 LDP Renewable Energy  
SD2 LDP Sustainable Construction and Energy Efficiency LC4  
LDP Wye Valley AONB  
NE1 LDP Nature Conservation and Development EP1  
LDP Amenity and Environmental Protection DES1  
LDP General Design Considerations

#### **Supplementary Planning Guidance**

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

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

#### **National Planning Policies (If Any)**

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):  
<http://gov.wales/docs/desh/policy/100722tan6en.pdf>

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):  
<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

### **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.

to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Tintern Community Council** - Approve

**MCC Heritage** - No Objection

The structures in question are later reinstatement train carriages, to the historic, Grade II listed station buildings at Tintern.

As the carriages originally in situ have been replaced since listing with other historic carriages, they have previously been considered not to be curtilage listed structures and therefore do not need Listed Building Consent for alteration.

Notwithstanding this, the primary consideration for development within the curtilage of a listed building is the preservation of its special interest, which includes its setting.

The works proposed however are particularly 'light-touch' in their use of solar units which match the profile of the current roof, and we see no reason why these would affect the visual form of the carriages or the setting of the listed building as a result.

**MCC Ecology** - No objection

The Old Station building itself will not be impacted by the current proposals, and therefore roosting bats should not be impacted.

### 5.2 Neighbour Notification

These proposals are trying to introduce changes to the carriages and land that are not just contrary to the laws and covenants that protect them but detrimental to public amenity and endangered species in the meadows and field.

The biodiversity and protected habitats will suffer.

### 5.3 Other Representations

**Brockweir Community Council** - Supports the application.

It was strongly felt that any enhancements to the site would bring significant benefit to the local community.

**Tintern Station Friends** - Introducing changes to the carriages and land that were never intended and contrary to covenants and other protections.

Tintern Station Picnic Area is not a tourist attraction to be developed commercially.

Proposals do not preserve the unique distinctiveness of this setting and its sense of place.

There will be adverse impact on the historic environment and heritage of this site.

On the face of it solar panels are an environmentally friendly addition but that is before reading the intended plans:

Detract from the historic and traditional use.

Not in keeping with the environment of the carriages or an AONB.

The carriages were replaced in 2009/10 using heritage lottery funding, and have not been maintained since.

MonLife have not allowed the carriages to open.

Turning Tintern Station Picnic Area into a tourist accommodation site and entertainment venue is contrary to its heritage and listed designation:

Not subservient to the primary purpose to conserve and enhance the natural beauty of the area.

It will harm the character of the area.

The ecology report is limited in its remit.

Flooding may not be an issue for the solar panels but it will be for electrical cables etc. below the carriages including heat pumps.

Consultation and publicity procedures were not followed.

Where are the planning applications for the alarm and CCTV cameras, the new car parking machine and signage? None of these additions are in keeping with the heritage site and must

breach CADW guidelines.

These proposals neither maintain nor protect the character and unique quality of this site nor enhance its cultural heritage and historic environment.

Little regard to the conservation areas, biodiversity and ecological heritage.

Does not improve the environmental and cultural well-being of residents and visitors.

MCC will be approving a planning application for its own commercial business, to increase income at the expense of residents, heritage and conservation.

Please note all representations can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The proposed solar panels are part of a larger scheme to decarbonise the site and to improve visitor facilities.

PPW11 supports facilitating the move towards decarbonising the economy and reducing reliance on energy generated from fossil fuels, it encourages the use of renewable energy and actively managing the transition to a low carbon economy. Policy S12 of the LDP supports sustainable and efficient resource use; this includes energy efficiency and increasing the supply of renewable energy. In a small way, the installation of these solar panels on the roof of the railway carriages, will help to meet the objectives of PPW by providing more sustainable energy for this tourist facility. The alterations will make the site more energy efficient and reduce its environmental impact. Thus, the proposal is acceptable in principle.

Policy SD1 of the LDP sets out that renewable energy schemes will be permitted where:

- (1) There are no unacceptable adverse impacts upon the landscape, townscape and historic features and there is compliance with Policy LC5, with regard to protection and enhancement of landscape character;
- (2) There are no unacceptable adverse impacts on biodiversity;
- (3) There are no unacceptable adverse impacts on the amenities of nearby residents by way of noise, dust, odour or increases in traffic;
- (4) The wider environmental, economic, social and community benefits directly related to the scheme outweigh any potentially adverse impacts; and
- (5) The distinct identity of Monmouthshire will not be compromised.

For all types of renewable energy, cumulative impacts will be an important consideration where there are other renewable energy schemes currently operating in the area.

Policy SD2 of the LDP refers specifically to proposals for the installation of renewable and low carbon technologies on existing buildings and says that they will be permitted subject to detailed planning considerations. The principle of providing solar panels is acceptable and complies with one of the key objectives of PPW11 and the development plan for encouraging renewable energy and reducing reliance on fossil fuels.

The site is a well-established tourist facility and Policy S11 of the LDP supports development proposals that provide sustainable forms of tourism.

### **6.2 Sustainability**

6.2.1 The solar panels are being installed to make the site more energy efficient, reduce its environmental impact and enhance the tourist experience. This is an objective that promotes sustainability and reduces dependence on fossil fuels by providing a more renewable energy source.

people want to live, work and socialise. The special character of an area should be central to its design. In this case the solar panels would be installed on the roof and held on place by pressure. They are made of a thin, flexible material that follows the contours and shape of the carriage roofs. The roof of the carriages are already painted black so the black panels will have very little additional visual impact. There is no upstand on the panels so when viewed from the ground they would appear as though the roof of the carriages had been re-painted. MCC's Heritage Officer has no objection to the proposal saying that, "The works proposed are particularly 'light-touch' in their use of solar units which match the profile of the current roof and this will not affect the visual form of the carriages or the setting of the listed building as a result." The proposal will preserve the special interest and setting of the listed buildings on the site. The proposed new solar panels on the roof of the railway carriages are considered acceptable and would comply with the objectives of Policy DES1 of the LDP and PPW11, promoting good design. The panels will have very little visual impact and will preserve the natural beauty of the Wye Valley. Therefore, they comply with Policy LC4 of the LDP.

## Energy

6.2.3 The proposal will have very little visual impact and therefore there will be no unacceptable adverse impacts upon the surrounding landscape. The site is surrounded by mature trees which help to screen the railway carriages when viewed in the wider landscape. There will be no impact on the landscape character of the area. The site is outside of the Tintern Conservation area and not seen within the context of Tintern Abbey. There will be no impact on biodiversity as the panels will be attached to the roof of the carriages and there is limited potential for bat roosts within the carriages. There are no residential properties within 50 metres of the site that could be affected by way of noise, dust, odour or increase in traffic. In this case there would be minimal impact resulting from the proposal. There are no other renewable energy schemes close to the site so there is no cumulative impact. When the technology is no longer operational it can be removed from the site and this can be imposed by condition. The proposal therefor accords with all of the objectives of Policy SD1 of the LDP.

## **6.3 Biodiversity**

6.3.1 An Ecology Survey Report by Just Mammals was submitted as part of the application. An external and internal daytime inspection of the carriages was carried out in May 2021 and found no evidence for the presence of bats. No potential roost features were identified in the railway carriages and with a negligible level of potential, no additional survey effort was directed to these structures. Internal and external inspection of the carriages found no live bats or evidence of roosting, no bat droppings or insect remains. No features were identified to offer roosting opportunities for bats within the structure of the carriages. A single inactive bird nest was found under the northern carriage. The proposed work underneath the carriages will avoid the bird nesting season of March to August (inclusive). MCC Ecologists have reviewed the submitted survey report and agree with its findings and recommendations. The Old Station building itself will not be impacted by the current proposals, and therefore roosting bats should not be impacted. Where works cannot be undertaken outside of the nesting bird season (March - August), a pre-works inspection by an experienced ecologist should be undertaken. The submitted ecology report recommends that two additional bird boxes are installed at the site. This is considered an appropriate level of enhancement for an application of this scale. However, the location or specification of the boxes has not been shown on any of the submitted plans. This can be conditioned.

## **6.4 Impact on Amenity**

6.4.1 The nearest residential property to the carriages is Station House approximately 52 metres to the north-west. It is set at a higher level than the carriages but given the intervening distance and the mature trees at the site, the occupiers of Station House will not be affected by the proposed solar panels. There are no other residential properties in the near vicinity that could be affected by this proposal.

## **6.5 Highways**

6.5.1 There are no highway implications as a result of this development. There will be

no increase in traffic or loss of parking spaces resulting from the siting of the solar panels.

## **6.6 Flooding**

The railway carriages lie wholly within a C2 Flood Zone as defined by the Development Advice Map (DAM) of Technical Advice Note (TAN)15. The solar panels are to be located on the roofs of the existing carriages and therefore will have no impact on flood levels. If additional equipment is required at ground level at some point in the future, it will be assessed on its merits subject to the details to be supplied. The current application only relates to the siting of the panels themselves and these do not impact on flooding.

## **6.7 Phosphates**

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

## **6.8 Tourism**

6.8.1 The site is a well-established tourist facility and Policy S11 of the LDP supports development proposals that provide sustainable forms of tourism. The provision of solar panels on the roof of the existing carriages will not affect the number of people who visit the site.

## **6.9 Response to the Representations of Third Parties**

One local resident says that the proposals are contrary to the laws and covenants that protect the carriages; there may be covenants in place but that is a private legal matter between the parties involved and not a material planning consideration. It is for the local planning authority to determine the application based on adopted planning policy and advice. Planning and heritage officers do not consider that the solar panels are detrimental to public amenity for the reasons stated above. The issues of ecology have been discussed in detail in the main body of the report and the positioning of solar panels on the roof of the carriages was found not to have a detrimental impact on protected species.

Friends of Tintern Station set out that this is not a tourist attraction that should be developed commercially. Planning officers consider that provided that the alterations are sensitive and respect their historic setting, there is no reason why the site cannot be developed commercially. It is the Council's policy to support the growth of sustainable tourism. The solar panels will have very little visual impact and will preserve the character of the Wye Valley AONB. This current application is for solar panels only and other developments on the site will be determined on their merits if planning permission is required.

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

6.10.1 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 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**

6.11.1 The alterations will make the site more energy efficient and reduce its environmental impact; the proposal therefore accords with one of the key objectives of PPW11 as well as LDP Policy S12 both of which support sustainable and efficient resource use. The proposal also complies with the objectives of LDP Policy SD2 which refers specifically to proposals for the

installation of renewable and low carbon technologies on existing buildings. The site is a well-established tourist facility and Policy S11 of the LDP supports development proposals that provide sustainable forms of tourism. The proposed new solar panels on the roof of the railway carriages are acceptable and comply with the objectives of LDP Policy DES and PPW11 in promoting good design. The panels will have minimal visual impact and would preserve the natural beauty of the Wye Valley, complying with LDP Policy LC4. The proposal will preserve the special interest and setting of the listed buildings on the site. The solar panels will not harm any ecological interests and comply with the objectives of LDP Policy NE1. This planning application is policy compliant in all respects and is therefore 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 Within six months of the cessation of electricity generation by the facility, all associated works/equipment shall be removed from the site and the land restored to its previous condition in accordance with the approved restoration plan.

REASON: In the interests of visual amenity and to ensure compliance with LDP Policy DES1.

4 No works to the train carriages shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a pre-works inspection of the carriage(s) for active birds' nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

REASON: to ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981) as amended.

5 Prior to the commencement of development, full details of bird enhancement measures as proposed within Section 10.7 of the submitted 'Ecological Survey Report' by Just Mammals Ltd shall be submitted to and approved in writing by the local planning authority. This shall include full details of the location and specification of the bird boxes/nests/cups and the timing of their inclusion. The details shall then be implemented as approved and shall be retained in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW11, the Environment (Wales) Act 2016 and LDP Policy NE1

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/11/21

gan **Richard E. Jenkins BA (Hons) MSC MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 17/01/2022**

## Appeal Decision

Site visit made on 22/11/21

by **Richard E. Jenkins BA (Hons) MSC MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 17/01/2022**

**Appeal Ref: APP/E6840/X/21/3276396**

**Site address: Ravensnest Fishery, Ravensnest Wood Road, Tintern, NP16 6TP**

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use of development (LDC).
- The appeal is made by Mr Russell Cassidy against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/01035, dated 30 July 2020, was refused by notice dated 2 /April 2021
- The application was made under section 191(1) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is described on the application form as the siting of a log cabin ancillary to the use of the Ravensnest Fishery which meets the legal definition of a caravan under the Caravans Act 1968.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A Certificate of Lawful Existing Use or Development (CLEUD) (Ref: DC/2012/00525) was granted on the appeal site in August 2012 for the "*siting of touring caravan ancillary to the use of the fishery*". A subsequent Certificate of Lawful Proposed Use or Development (CLPUD) was issued by the Council on 26 September 2016 (Ref: DC/2016/00729). That CLPUD confirmed the lawfulness of a "*use or operation*" described as: "*Replace touring caravan with a log cabin to provide ancillary accommodation for fishery*".
3. The CLPUD not only makes reference to the above description but it also refers to "*plans referred to in the Third Schedule*" to the Certificate. That schedule, in turn, refers to an email dated 4 September 2016 from a company, namely Polar Lodges, who were looking to supply the applicants for the certificate with a "*mobile lodge to replace a static caravan*".

*that has historically been on the site*". The reasons given for granting the certificate includes that *"it would meet the requirements outlined in the Caravan Act 1968 Part III Section 13 for a twin unit caravan"*. It goes on to state that provided the *"replacement twin caravan is sited in accordance with the Caravan Act 1968 the development would be deemed lawful"*. It also explains that the use should be ancillary accommodation for fishery.

4. An Enforcement Notice was issued on 2 October 2018. The breach of planning control was the erection of an unauthorised timber framed building. That Enforcement Notice was subsequently subject to an appeal under ground (c)<sup>1</sup>, although the appeal was dismissed on the basis that the structure subject of the Notice did not fall within the statutory definition of a caravan, but rather operational development that falls outside of the scope of the previously issued CLPUD. The requirements of the Enforcement Notice upheld in that instance were varied through the appeal process. Subject to variations, the requirements of the Notice were: i) *Remove the timber framed building*; ii) *Remove from the land all building materials and rubble arising from compliance with (i) above*; and iii) *Remove the retaining wall noted and re-seed the immediate are [sic] with grass seed*.

### **Main Issue**

5. The main issue in this case is whether the Council's decision not to issue a Lawful Development Certificate (LDC) was well-founded.

### **Reasons**

6. The appeal proposal seeks an LDC to certify that the structure currently located on the appeal site is lawful. However, Section 191(2) of the above Act states that uses and operations are lawful at any time if: a) *no enforcement action may be taken in respect of them*; and b) *they do not constitute a contravention of any of the requirements of any Enforcement Notice in force*. The appellant's Statement of Case clarifies that the structure has been modified on site to make it accord with the definition of a caravan under the Caravan Sites Act. However, whilst such modifications remain unspecified, I have not seen anything to lead me to believe that the requirements of the Enforcement Notice upheld under Appeal Ref: APP/E6840/C/18/3213252 have been satisfied. As such, and bearing in mind the fact that the Council has confirmed that the Enforcement Notice remains in force, it follows that the development cannot be lawful.
7. For this reason, and having considered all matters raised, I find that the Council's decision not to issue an LDC was well-founded. The appeal should therefore be dismissed.

*Richard E. Jenkins*

INSPECTOR

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<sup>1</sup> Appeal Ref: APP/E6840/C/18/3213252