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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 25 September 2023

Notice of meeting:

Planning Committee

Tuesday, 3rd October, 2023 at 2.00 pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and
remote attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2022/00331 - Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works. Land At Severn Bridge Industrial Estate, Pill Row, Caldicot.	15 - 28
4.2.	Application DM/2023/01042 - Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for five horses, erection of ancillary storage building, construction of manege. Land north-west of Holly Lodge Road From A48 To Dewstow Road, Fives Lanes, Caerwent.	29 - 40
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	1 Smithy Cottage, Crossways, Newcastle, Monmouthshire.	41 - 44

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor Sara Burch	Cantref;	Welsh Labour/Llafur Cymru
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

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<https://democracy.monmouthshire.gov.uk/ieListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Planning policy context

Future Wales – the national plan 2040 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.

Monmouthshire’s Local Development Plan (LDP) sets out the Council’s vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members’ assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire’s built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;

- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (revised version) (adopted July 2019)

- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition10 (at time of publication)
- PPW Technical Advice Notes (TAN):
 - TAN 1: Joint Housing Land Availability Studies (2015)
 - TAN 2: Planning and Affordable Housing (2006)
 - TAN 3: Simplified Planning Zones (1996)
 - TAN 4: Retailing and Town Centres (1996)
 - TAN 5: Nature Conservation and Planning (2009)
 - TAN 6: Planning for Sustainable Rural Communities (2010)
 - TAN 7: Outdoor Advertisement Control (1996)
 - TAN 8: Renewable Energy (2005)
 - TAN 9: Enforcement of Planning Control (1997)
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Tourism (1997)
 - TAN 15: Development, flooding and coastal erosion (2021)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (2007)
 - TAN 19: Telecommunications (2002)
 - TAN 20: The Welsh Language (2013)
 - TAN 21: Waste (2014)
 - TAN 23: Economic Development (2014)
 - TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material

considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned by a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;

- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below. **The conventional protocol has been modified to allow public speaking via pre-recorded videos or to attend the meeting in person and address the Planning Committee.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video or in person at the Planning Committee meeting.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below. Speakers will also have the option to attend the meeting in person and address Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

The procedure for dealing with public speaking is set out below:

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
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- Planning Committee members will then debate the application, commencing with the

local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.

- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

PRESENT: County Councillor Phil Murphy (Chair)
County Councillor Dale Rooke (Vice Chair)

County Councillors: Jill Bond, Emma Bryn, Jan Butler, Ben Callard, John Crook, Tony Easson, Steven Garratt, Meirion Howells, Su McConnel, Jayne McKenna, Maureen Powell, Sue Riley and Ann Webb

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Adam Foote	Senior Development Manager
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

County Councillor Jayne McKenna left the meeting following consideration of application DM/2022/00473 and did not return.

County Councillor Meirion Howells joined the meeting during consideration of application DM/2022/01155. He took no part in the discussion or voting in respect of this application.

County Councillor Jan Butler left the meeting following consideration of application DM/2022/01155 and did not return.

APOLOGIES:

None.

1. Declarations of Interest

County Councillor Jayne McKenna declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2023/00939 as a family member works for the applicant.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st August 2023 were confirmed and signed by the Chair.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

3. Application DM/2023/00063 - Conversion of barn to dwelling and installation of sewage treatment plant. Proposed Barn Conversion, Gethley Road, Parkhouse, Trellech

We considered the report of the application and late correspondence which was presented for refusal for the reasons outlined in the report.

The local Member for Mitchel Troy and Trellech United, County Councillor Richard John, attended the meeting by invitation of the Chair and outlined the following points:

- Gethley Barn was originally built in the 1700s. Recently, the property has fallen into disrepair.
- The applicant is an agricultural worker at Llan Y Nant Farm and wants to remain in her community but also needs to be close to the family farm itself for work and health purposes. The applicant has had serious health issues recently. The barn conversion would provide ideal accommodation for an agricultural worker.
- Currently, the building is falling into ruin and was considered to be out of keeping with the landscape.
- Approval of the application would provide a low impact, affordable property for a young person.
- The application differs from other similar applications due to its proximity to the family farm and the applicant's specific personal circumstances.
- The proposed design is sympathetic to the building's historic background and its rustic character is proposed to be protected.
- The visual impact on the Wye Valley AONB is minimal and the building is proposed to be in keeping with similar barns within the area.
- The local Member asked that the Committee considers approval of the application due to the very specific circumstances outlined.

The applicant's agent, David Glasson, attended the meeting by invitation of the Chair and outlined the following points:

- This is not a typical Monmouthshire barn. Research indicates that it goes back to 1765 and is a survivor of the ancient Gethley Farm hamlet.
- Repairs have been undertaken over the years. All barns require repairs, but new uses must be found, or they will be lost.
- The applicant has tried to unsuccessfully purchase a one bedrooled property in Devauden but is unable to obtain a mortgage as a single person with an

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

agricultural wage. The applicant requires a permanent home for her health and work and to receive family support.

- The proposed conversion will not impinge on the Wye Valley AONB.
- The applicant will contribute to a Section 106 agreement if required and subject to the details.
- The report of the application has appended a previous appeal decision for a rural enterprise dwelling, and it was considered not to be relevant for this application. It was lodged by the applicant's father under a different policy context.
- The application is for a conversion and should be considered under planning policy H4.
- Policy H4 is satisfied in all respects. The report of the application is misleading in its claim that only a small part of the original walls is being retained. The majority is being retained.
- The report of the application bears no relationship to the structure report. It was considered to be false to state that the majority of the barn required rebuilding. Barn conversions often need an element of repair allowing for up to 30% rebuilding.
- Most barn conversions require a new roof, timbers, insulation, and slates.
- Previous surveys did not identify evidence of bats emerging from the barn during surveys. The agent had only been advised some weeks ago regarding the need for an updated bat survey.
- The barn is located in good draining countryside and surface water can be discharged sustainably.
- The applicant's agent disputes that a public footpath crosses the site.
- This is an opportunity to retain an historic building, not only for the applicant but for posterity as part of the County's heritage.
- The barn conversion will provide a home for a local person who is unable to provide any affordable accommodation locally.
- This is not a new build dwelling but a conversion. Materials used will be traditional and appropriate for the Wye Valley AONB.
- The Agent requested that the Committee considers approval of the application. If a deferral was required for a new bat survey, the applicant would oblige.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

The Development Management Area Team Manager responded as follows:

- Planning Officers respectfully disagree with the agent's view in respect of Policy H4.
- Part of the barn was rebuilt in 2012 which is considered to be a new build.
- Policy H4 does not permit building of this kind to be brought into residential use.
- Officer advice to the Planning Committee is consistent with Planning policies since the original application.
- This application has not been made on the basis of a TAN 6 dwelling and the consideration of TAN 6 was considered in a previous application and did not meet the tests at that time.
- The spirit of Policy H4 has been correctly interpreted with regard to the preservation of buildings and the bringing of buildings into reuse on the basis that they are structurally sound and capable of being done so without substantial rebuilding.

The local Member for Mitchel Troy and Trellech United, County Councillor Jayne McKenna, also a Planning Committee Member, outlined the following points:

- This is a new application with amendments, biodiversity enhancements and a new applicant.
- The applicant has offered to enter voluntarily into a Section 106 agreement.
- The local Member has looked at the application with a balanced approach and taken into account the guidelines.
- Taking into account the planning history, there are more benefits than negatives to this application.
- The barn has been standing in the open countryside for over 300 years with the footprint being established for this period. It is an old stone barn that is constructed of local stone.
- Pictures had been shown at the site visit from 30 years ago with the barn being in good condition and having a full roof of Welsh slate. It was noted that during the 1990s the roof slates were regularly stolen leading to the deterioration of the barn and repairs had to be undertaken which has been sympathetically done and in character using local materials. Old barns will always require maintenance.
- The local Member questioned whether this application could be considered a new build in the open countryside as the barn had existed since the 1700s.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

- The previous application had received 12 letters of support from local residents. The community would like to see this barn used as a residential dwelling for a local female farmer who has lived in the area all her life.
- There are benefits to bringing this conversion into housing stock. More houses are required in Monmouthshire, in particular for young people and those employed in agriculture and rural enterprise.
- The applicant had applied but failed to purchase an affordable property that became available in the local area.
- Agricultural workers are unable to buy a property in the Park House area due to high property values. The local Authority should be helping local first-time buyers to get onto the housing market to allow them to live and work locally.
- Monmouthshire has a housing shortage and an aging demographic. Excessive house prices are pushing young people out of the County.
- Further benefits include more council tax for the local Authority.
- Park House is a hamlet with a small number of residents. If this building became a residence the occupants could bring a range of skills and contributions to enhance the vibrancy of this small community.
- The applicant wishes to encourage wildlife via tree planting and a wildflower meadow as well as intending to keep bees.
- The applicant would be able to walk to work having zero carbon emissions.
- The applicant needs to live locally near to her work and family for health reasons and to receive family support.
- If the application is not approved the barn is likely to continue to fall into disrepair.
- On balance the local Member asked the committee to not just focus on the planning history of the site but to look at the many benefits that the conversion would bring to the local community and the local Authority.
- If approved, it was suggested that a rural enterprise condition be applied to the dwelling.
- The local Member asked for the outcome of the enforcement case to be provided and whether there was an issue with the maintenance of the barn and how it was constructed and why hadn't it been taken down.
- The applicant enquired how long does it take for new build to be no longer considered new.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

The Development Management Area Team Manager responded as follows:

- Planning history is a material consideration. Previous applications have been considered against planning policy.
- Planning Policy H4 is policy and not guidance. It is to safeguard against new build development in unsustainable locations in the open countryside.
- Part of the footprint was lost and rebuilt in 2012, which is regarded as new build.
- Local support for the conversion is not a material planning reason to override the conflict with the Local Development Plan (LDP).
- Additional Council tax from this property and a range of skills brought by the applicant are not material reasons to override the conflict with Policy H4. Personal circumstances would not be a reason to override Planning Policy H4.
- A building falling into disrepair is not a reason to allow a new build. This is contrary to Policy.
- The application has not been submitted with a rural enterprise condition.
- The enforcement case in 2012 was not considered in the context of a new build dwelling.
- The amount of rebuild work in 2012 is very recent in the building's life span and with the additional new build it is considered to be beyond the realms of conversion. Policy H4 is still not satisfied.

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

- The ruined barn adds character to the landscape.
- There is sympathy for the applicant with regard to her circumstances. However, planning considerations have to take into account the longer view. Decisions made will last many years to come.
- The barn could be restored as a barn in order to keep it from falling further into disrepair.
- The application is contrary to many planning policies.
- This development in the open countryside will not only bring a house but also a driveway and the potential for hard landscaping and surrounding amenity space.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

It was proposed by County Councillor Ben Callard and seconded by County Councillor Dale Rooke that application DM/2023/00063 be refused for the reasons outlined in the report.

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

For refusal	-	11
Against refusal	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/00063 be refused for the reasons outlined in the report.

4. Application DM/2022/00473 - Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place. Pentecostal Church, Monnow Street, Monmouth, NP25 3EQ

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

The application had been presented to Planning Committee on 4th July 2023 with a recommendation for refusal. However, the Committee had been minded to approve the application subject to the conditions being confirmed by the Delegation Panel. The conditions, outlined in the report, had been presented to the Council's Delegation Panel on 10th August 2023.

In noting the detail of the application, the following points were identified:

- At the July 2023 Planning Committee meeting and after detailed debate, the Committee used planning balance to depart from Planning Policy in relation to flooding given the regeneration of the site, the provision of the pedestrian link and that the consequences of flooding could be reasonably managed with living accommodation being on the first floor.

It was proposed by County Councillor Ben Callard and seconded by County Councillor Maureen Powell that application DM/2022/00473 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

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

The proposition was carried.

We resolved that application DM/2022/00473 be approved subject to the conditions outlined in the report.

5. Application DM/2022/01155 - Hybrid application comprising: 1) Full planning for the erection of a roadside facility comprising petrol filling station, 2no. drive through units and associated development; and 2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class). Land At Newhouse Farm Industrial Estate, Chepstow

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with an additional condition to secure the provision of electric vehicle charging points on site in accordance with details to be agreed with the local planning authority prior to works commencing on site, and to be installed in accordance with the approved details and available for use by customers prior to the development being brought into use.

The local Member for Bulwark and Thornwell, County Councillor Sue Riley, also a Planning Committee Member, outlined the following points:

- The petrol station will take pressure off Highbeece roundabout.
- The employment prospects are welcome.
- Concerns were expressed regarding the safety of the roundabout where some pedestrians will take the shortest route. Further consideration is required regarding the safety of the most direct route from Bulwark to the takeaway site.
- Complaints have been received regarding accumulation of rubbish at a takeaway site. A request was made for additional bins to be located on the route to and from the site.

The Development Management Area Team Manager responded as follows:

- A request had been made for additional bins to be located on the site plan. The public is expected to be socially responsible and to use the bins provided on site. However, this is not an issue for the Planning Department to manage.
- The Planning Department wants to actively discourage pedestrians crossing the roundabout. Crash barriers are in place to prevent pedestrians from doing this. The underpass nearby allows pedestrians to safely travel from Bulwark to the south of the roundabout. The pedestrian route then continues towards the site.
- The applicant will provide additional signage regarding access to the site along the route which will be secured via a Section 106 agreement.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

The Member for Wyesham outlined the following points:

- Information was requested regarding how the site will be used by passing motorists and its effect on the vitality of neighbouring town centres.
- Consideration should be given to the provision of a controlled pedestrian crossing near the site.
- Litter on the site is a concern.

Councillor Dominic Power, representing Chepstow Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- Chepstow does require enhanced employment opportunities for its young people.
- Concern was expressed regarding the safety of people using the site via pedestrian access.
- The site neighbours Thornwell and Bulwark and there will be many people attracted to the site from these locations. Concern was expressed that the roundabout will be used as a direct route to the site rather than using the conventional safe routes. This is an overriding safety concern.
- Chepstow Town Council considers that insufficient consideration had been given to this proposal to allow it to progress.

The applicant's agent, Matthew Gray, attended the meeting by invitation of the Chair and outlined the following points:

- The site has been allocated for employment generating development and planning policy at a local level for in excess of 10 years.
- Viability issues surrounding development of the application site are significant. The most recent employment land review identified topographical challenges and limited options for access meaning a viable solution coming forward enabling its development was deemed as unlikely.
- The application proposes slightly in excess of 9000 sq.m of floor space which accords with the long-term unfilled allocation of the site. To enable the floor space to be delivered in accordance with market requirements and operator interest it is proposed in outline form.
- The roadside services scheme comprises enabling development adding viability to the scheme.
- The site location south of the M48 comprises evidence to serve passing motorists. A need for the facility has been evidenced and accepted by Council officers.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

- The proposed development will serve the requirements of passing motorists including EV charging at a level in excess of the 10% requirement of Planning Policy Wales (PPW) with the ability to increase provision over time.
- Comments from objectors have been noted and acknowledged. However, the proposed development has been deemed acceptable by Welsh Government Transport, Monmouthshire County Council's Highways Engineer and via third party independent review undertaken by highways consultancy.
- The development is clear in its intentions to serve passing motorists primarily. At the request of officers, a pedestrian crossing and shortening of the walking distances from residential areas are proposed. Evidence has been provided and accepted by officers highlighting that the topography of the wider site, including a 30° slope would result in engineering and earthworks which would result in the development being unviable if lines of desire on 2D plans are followed.
- Beyond Highways, statutory consultees confirm no objection to the proposed development in respect of land use policy, ecology, archaeology, amenity, flood risk, noise, drainage, and arboricultural matters.
- The roadside services will deliver around 75 jobs based on employment density guidance provided by the UK Government. It would be a realistic expectation to result in the creation of in the region of 200 new positions. The significant job creation across a wide range of job types comprises of a material consideration in the determination of the application.
- This proposal will enable the development of a site which has been allocated for employment purposes for in excess of 10 years and will result in significant job creation in the region of 275 jobs.

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

- Concern was expressed that the two further access points on the slope road to the roundabout could be a cause for future road traffic accidents. It was suggested that a filter lane be installed at the first entrance to the services and have a no right turn into the industrial unit. The applicant's agent responded stating that the application had been rigorously assessed by Welsh Government Transport, the County Council's Highways Engineers and twice by a third-party independent consultant. All had deemed the highways proposals as acceptable in terms of a safety perspective.

The Development Management Area Team Manager responded to questions raised, as follows:

- The site is allocated for employment. It had been considered by the Inspector via the Local Development Plan (LDP) process and had been viewed as an

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

appropriate site for employment use. All forms of access to the site are encouraged and the underpass provides suitable access from Bulwark to the south to the industrial estate. Appropriate signage will be put in place. Access to the site across the roundabout is not to be encouraged and measures have and can be put in place to deter access in this way.

- The roundabout is in Welsh Government ownership. Any alterations to the roundabout would need to ensure that they are compliant with highway safety and the visibility off drivers.
- The pedestrian linkage is not exactly on the desire line but in order to achieve a desire line as one comes from the underpass towards the site one would have to climb up the embankment which is a significant slope. In order to provide a fully accessible ramp up the slope would require a significant engineering operation to ensure the gradient is suitable for all users. This would be financially costly and 'land hungry' which would impact on the viability of the site.
- There are two pedestrian crossings, one which connects the Wales coastal path, and the additional crossing is proposed at a place that is considered most convenient to provide a ramp of an appropriate gradient.
- With regard to the potential impact on retail in Bulwark, surveys have indicated that items mainly being sold are not comparison goods. The offer at the site is not a primary trip attractor. Access to the site would generally be undertaken by car. It would not divert from the comparison offer from Bulwark.
- A full traffic assessment has been undertaken for this application which has been reviewed by the Authority's Highways Officer. Also, an independent review has been undertaken to ensure highway safety and compliance. The data compiled is sufficient and the conclusions drawn are reasonable and acceptable. Therefore, there is no need for a further traffic assessment to be undertaken. Monmouthshire County Council's Highways Officer accepts the findings of the review that the two accesses off the slip road are considered to be safe.
- The addition of a third lane had originally been a concern of the Highways Officer. However, the traffic assessment indicated that the data does not suggest that that is a safety problem and is therefore not necessary. Creating a third lane would be 'land hungry' and financially costly and would significantly impact on the viability of the proposals.
- The infrastructure for EV charging would be put into the ground under the main parking area for future use. There is a condition proposed to ensure the additional 10 EV chargers are to be installed prior to occupation. Full details of those chargers could be requested at the appropriate time to ensure the kilowatts provided are sufficient.
- There will be an additional pedestrian crossing resulting in two crossings at the site.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

In response to a question raised, the applicant's agent confirmed that speed surveys had been undertaken.

The Development Management Area Team Manager informed that Committee that the pedestrian crossing is a dropped curb with tactile paving.

It was proposed by County Councillor Jan Butler and seconded by County Councillor Maureen Powell that application DM/2022/01155 be approved subject to the conditions outlined in the report with an additional condition to secure the provision of electric vehicle charging points on site in accordance with details to be agreed with the local planning authority prior to works commencing on site, and to be installed in accordance with the approved details and available for use by customers prior to the development being brought into use.

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

For approval	-	10
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2022/01155 be approved subject to the conditions outlined in the report with an additional condition to secure the provision of electric vehicle charging points on site in accordance with details to be agreed with the local planning authority prior to works commencing on site, and to be installed in accordance with the approved details and available for use by customers prior to the development being brought into use.

6. Application DM/2023/00939 - Change of use from residential to mixed use - Residential/Childminder. 75 St Lawrence Park, Chepstow, NP16 6DQ

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

The local Member for Mount Pleasant, County Councillor Paul Pavia, addressed the Committee via video recording and outlined the following points:

- This is a contentious and delicate application.
- From the rationale behind the enforcement investigation as subsequent application for change of use has been laid out in the report of the application.
- The majority of objections raised are from residents in St. Lawrence Park and concerns have been raised regarding a range of issues such as noise and disturbance relating to activity on the site, loss of own personal amenity, lack of

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

parking and road safety issues and pollution. All these issues are outlined in the report of the application.

- Whether a residential location in a dense estate and limited cul-de-sac is suitable for such business use. The business has been operating on the site since 2017 and is known by Monmouthshire County Council Early Years Services and by the regulator Care Inspectorate Wales.
- There is also a large number of supporting correspondence from affected parents and from people who know the applicant although many of these do not live in the near vicinity.
- Praise the professional way in which the child-minding business is operated, emphasize the local acute need for such child-minding services and highlight the provisions that are in place that aim to mitigate the disruption.
- It is understood that the applicant has a number of policies that clients are expected to adhere to in order to mitigate the impact of issues such as noise and parking disruption. However, the local Member is unaware if these policies do reduce impact and whether such mitigation steps are considered to be acceptable by neighbours living close to the property in the cul-de-sac. Many of these neighbours have considered it necessary to respond to the application's consultation in order for the Planning Committee to hear their views on this matter.
- There is an acknowledgement in some of the objecting comments that there have been improvements to noise and disruption over recent months. However, the view reflected is that this has been due to the planning applications pending. Concern has been expressed that if this application is approved then the problems may recur.
- The local Member considered that the Planning Committee needed to fully satisfy itself that the residents living directly in the vicinity of the property will not have their own personal peace and amenity infringed if the application is approved and whether any further conditions should be imposed.
- The applicant has informed the local Member that they have no intention of extending their child-minding business. However, there is a degree of scepticism amongst their near neighbours as to whether this is the case in light of the previous approved application.
- If the Committee is minded to approve the application then it should be mindful of the conditions outlined in the report which will provide neighbours with some level of reassurance.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 12th September, 2023 at 2.00 pm

The Senior Development Management Officer responded, as follows:

- The policies that are in place have been submitted and form part of this application and part of the approved documents. Therefore, non-compliance with those documents would provide officers with a greater level of control than at present. Officers are satisfied that there would not be any adverse impact regarding the living conditions of neighbouring occupiers or in terms of highway or pedestrian safety.

Having considered the report of the application and the views expressed it was proposed by County Councillor Ann Webb and seconded by County Councillor Maureen Powell that application DM/2023/00939 be approved subject to the conditions outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/00939 be approved subject to the conditions outlined in the report.

7. New Appeals Received - 1st April to 30th June 2023

We noted the new appeals received by the Planning Department for the period 1st April to 30th June 2023.

The meeting ended at 3.55 pm.

Application Number: DM/2022/00331

Proposal: Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works.

Address: Land At Severn Bridge Industrial Estate, Pill Row, Caldicot

Applicant: Mrs Armstrong

Plans: Site Plan 1887-A1-01-C - , Elevations - Proposed 1887-A4-01 - , Tree Protection Plan B - , Location Plan 1892-A1-00 - , Other CIL QUESTIONS - , Other SUDS STRATEGY - , Other PHASE 1 GEO-ENV REPORT - A, Other PHASE 1 GEO-ENV REPORT - B, Other PHASE 1 GEO-ENV REPORT - C, Other PHASE 1 GEO-ENV REPORT - D, Design and Access Statement - , Other PHASE 1 GEO-ENV REPORT - E, Other PHASE 1 GEO-ENV REPORT - F, Other FCA - , Other FCA - (Final), Other SITE DETAIL SHEET - ECOLOGY - , Other STATEMENT OF COMMUNITY INVOLVEMENT - , Topographical Survey TOPOGRAPHICAL SURVEY - , Tree Survey TREE SURVEY - , Other UES PEA - (PT1), Other UES PEA - (PT2), Other UES PEA - (PT3), Other UES PEA - (PT4)

Recommendation: APPROVE

Application DM/2022/00331 was reported to Planning Committee in August 2023 with a recommendation to refuse. Planning Committee resolved to approved the application contrary to that recommendation. Below are the suggested conditions recommended to be attached to the consent.

- 1) Details of the access, appearance, landscaping, layout, levels and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
REASON: The application is in outline only and further details are reserved for further consideration and approval.
- 2) Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990
- 4) Prior to beneficial use of the development, the parking spaces as proposed shall be constructed on site. The parking spaces shall thereafter be retained in perpetuity solely for the parking of vehicles in connection with the unit it serves.
Reason: In the interest of highway safety and to ensure there is sufficient parking provision to serve the development.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no vehicular or pedestrian access to the site other than those approved in this consent.
REASON: In the interest of highway safety.

- 6) Prior to the commencement of development a Construction Management Plan shall be submitted to, and approved by, the local planning authority. The plan should detail the proposed times of operation along with measures that will be undertaken to protect local residents and the wider environment from the health effects and potential nuisance resulting from noise, dust and fumes associated with the development works. Thereafter the scheme shall be implemented in accordance with the approved details.
Reason: In the interests of local amenity.
- 7) Prior to the beneficial use of the development hereby approved, a plan indicating the position, height, design and type of boundary treatment to be erected shall be submitted to and approved, in writing, by the Local Planning Authority. The boundary treatment shall be completed as approved before development comes into beneficial use.
Reason: In the interests of visual amenity.
- 8) Prior to the construction of the development hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity.
- 9) Prior to the development hereby approved coming into beneficial use a Noise Impact Assessment shall be submitted to, and approved by, the local planning authority. The plan should detail the proposed times of operation along with measures that will be undertaken to protect local residents and the wider environment from the health effects and potential nuisance resulting from noise. Thereafter the scheme shall be implemented in accordance with the approved details.
Reason: To safeguard the living conditions of local residents
- 10) No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 11) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 12) Prior to the commencement of development a tracking layout for articulated HGV's shall be submitted to and approved by the local planning authority. The development shall then be constructed in accordance with the approved details and maintained as such in perpetuity.
Reason: In the interests of highway safety.
- 13) Works shall be undertaken in strict accordance with Section 4 (Evaluation and Recommendations) of the approved 'Preliminary Ecological Appraisal –Land at Pill Row by United Environmental Services (UES), dated August 2021' report. Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the local planning authority no more than three months later than the first beneficial use of the development commencing.
Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

- 14) Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the local planning authority.
Reason: to safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.
- 15) No removal of hedgerows, trees or shrubs, or building works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active birds' nests immediately before the works commence 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 shall be submitted to the Local Planning Authority.
Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).
- 16) Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bat roosting provision as detailed in "Preliminary Ecological Appraisal –Land at Pill Row by United Environmental Services (UES), dated August 2021" identifying location, positioning and specification shall be provided. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.
Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.
- 17) Prior to the development hereby approved coming into beneficial use, the pedestrian access link as shown on the proposed plans shall be constructed and completed. The pedestrian link shall remain open for pedestrian use in perpetuity.
Reason: In the interests of active travel
- 18) Prior to the commencement of development a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall consider the specific environmental and physical constraints of the immediate local area and the adjoining highway network. The CTMP shall include:
o Traffic management measures.
o Hours of working.
o Measures to control dust, noise and related nuisances.
o Measures to protect adjoining users from construction works.
o Provision for the unloading and loading of construction materials and waste within the curtilage of the site.
o The parking of all associated construction vehicles.
o The development shall be carried out in accordance with the approved CTMP.
Reason: In the interests of highway safety in accordance with Policy MV1 of the Monmouthshire Local Development Plan.
- 19) Prior to the commencement of development a tree protection method statement and an indicative services run layout plan for water, sewage, electricity, gas, telecommunications shall be submitted to and approved by the local planning authority, the development shall then be completed in accordance with the approved details.
REASON: In the interests of the longevity of the Trees on site.
- 20) All planting comprised in the approved details of landscaping, as detailed on the approved plans shall be carried out in the first planting season (October - March) following completion of

the development or the development coming into beneficial use, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the approved landscaping is carried out.

PREVIOUS RECOMMENDATION: REFUSE

Case Officer: Mr Adam Foote

Date Valid: 09.03.2022

This application is presented to Planning Committee upon request of the Head of Monmouthshire's Planning Department

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises an undeveloped parcel of land within the settlement boundary for Caldicot as shown on the proposals map of the Monmouthshire Local Development Plan (LDP). The site is allocated for development for new industrial and business development under LDP Policy SAE1(h). The site is the last remaining undeveloped parcel of land allocated for industrial and business development in this area and would form part of the Severn Bridge Industrial Estate.

The site falls within a C1 flood zone as shown on the Development Advice Maps (DAM) that accompany the existing Technical advice note (TAN) 15: development and flood risk and is partly within zone 2 and zone 3 for river flooding and entirely within zone 3 for flooding from the sea as shown on the Flood Maps for Planning that will accompany the emerging TAN 15.

The site falls within a Source Protection Zone (SPZ) and is party within an Internal Drainage Board. There are a number of Tree Protection Orders covering Sycamore Trees along the southern boundary of the site.

1.2 Proposal Description

This application seeks outline consent including access, appearance and layout for the creation of 12 industrial units (use class B1, B2, B8) and associated works. Vehicular access is proposed to be gained via Castle Court on Severn Bridge Industrial Estate and a second pedestrian/cycle access point is proposed within the north/west section of the site. The industrial units adopt a utilitarian design which is considered to be a standard for the nature of development and the proposed use. The units are proposed to face into the site with parking bays separating the structures from the access road. Development is proposed set away from the site boundaries as to allow for SuDs features, additional landscaping/planting and to safeguard the existing hedgerows and trees. Additional detail in terms of scale, design and position of the development is illustrated in full on the submitted drawings.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DM/2022/00331	Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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
S8 LDP Enterprise and Economy
S9 LDP Employment Sites Provision
SAE1 LDP Identified Industrial and Business Sites

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
GI1 LDP Green Infrastructure
LC5 LDP Protection and Enhancement of Landscape Character
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
NE1 LDP Nature Conservation and Development
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11

Technical Advice Notes

Technical advice note (TAN) 4: retail and commercial development
Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 10: tree preservation orders
Technical advice note (TAN) 11: noise
Technical advice note (TAN) 12: design
Technical advice note (TAN) 15: development and flood risk (2004)
Technical advice note (TAN) 18: transport
Technical advice note (TAN) 23: economic development

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caldicot Town Council: Recommends approval
Portskewett Community Council: Recommends approval
Ecology: No objection subject to conditions
Highways: Provisional holding objection
Drainage: No objection to drainage, holding objection to flooding
Environmental Health; No objection subject to condition
Trees: Provisional holding objection
GGAT: No objection subject to condition
NRW: Objection on flooding grounds

5.2 Neighbour Notification

This application was advertised by means of x4 site notices, press notice and direct neighbour consultation. One representation in support of the proposed development has been received.

Numerous objections have been received with the main points summarised as; Loss of green/open space and impact upon ecology, Pollution (noise, light and air), detrimental impact upon traffic, loss of trees/hedgerow and a concern over the specification of the planting scheme, visual impact of the proposed development with particular reference to colour of the units, concern relating to drainage and flooding, question of the need for the development.

5.3 Local Member Representations

None.

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

This application has been screened under Schedule 2 of the Town and Country Planning (EIA) (Wales) Regulations 2017, and it is considered that the proposal does not raise significant environmental impact to require the proposal to be EIA development.

The application site is allocated within the adopted Monmouthshire Local Development Plan for industrial development (Policy SAE1) and is the final portion of land in the area allocated for business/industrial development with this proposal comprising the final portion of the Severn Bridge Industrial Estate allocations. It is therefore considered that the principle of industrial development on this site is acceptable and has been established. The allocation of this land is for B1 and B8 uses only, however given the existing B2 uses within the adjoining industrial estate no objection is raised to this application moving forward with a B1, B2, B8 use subject to a noise impact assessment being submitted demonstrating no unacceptable impact upon the living conditions of neighbouring occupiers, as this application is for outline consent it is considered that this can be conditioned for approval as a reserved matter. The inclusion of B2 uses is not considered to result in a significant departure from the allocation or the objectives of the Local Development Plan.

Therefore, the main issues to consider with regard to this proposal are; whether adequate access and parking arrangements can be provided, the development's impact on the character and appearance of the area, Flooding/flood risk and Ecological issues.

6.2 Sustainability

The application site is located within the settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. The site is accessible via sustainable modes of transport and public transport. The submission includes the creation of a cycle/footpath within the north/west section of the site that will enhance the connectivity of the wider industrial area and encourage sustainable transport to and from the site. Additionally the proposal includes a cycle storage area which is considered to add to the sustainable credentials of the scheme and encourage active travel to/from site. It is therefore considered that the proposal meets the sustainability objectives supported by Local and National Planning Policy.

6.3 Place Making/Good Design

As stated above this site is allocated for industrial purposes and therefore the principle of erecting purpose built industrial buildings has been established. The layout and design of the scheme is utilitarian as is standard with many industrial estates/buildings which are designed for functionality. The layout as proposed would form a clear and legible extension to the existing industrial estate therefore given the context of the site and the proposed use of the buildings it is not considered that there would be any unacceptable adverse visual impact or impact upon the character of the area from within the context of the industrial estate. The site is visible from outside of the industrial estate, primarily Pill Row, a residential street that runs parallel with the site boundary to the west.

Given that the proposed buildings would be set off the boundary and additional planting is proposed as a buffer/screen it is not considered that the proposed buildings would result in any unacceptable adverse visual impact that would have an adverse impact upon the amenity of the area or character of the area when viewed from outside the site.

6.4 Biodiversity/Green Infrastructure

The application site comprises an undeveloped parcel of land most recently used for the grazing of horses, the Preliminary Ecological Appraisal (Land at Pill Row by United Environmental Services (UES), dated August 2021) submitted in support of this application concludes that the site has limited ecological value with the majority of the site occupied by poor semi-improved grassland with areas of dense scrub and scattered trees around the boundaries of the site.

A tree survey, arboricultural impact assessment (AIA) and a tree retention and protection plan (TRPP) and a proposed planting plan by Mackley Davies Associates has been submitted in support of this application. The surveys identify a total of 45 individual trees and 3 groups of trees were recorded on site. The surveys identified 5 dead/moribund trees with a recommendation for removal, this includes one protected Sycamore on the south boundary. The proposed access onto Castle Court requires the removal of 6 trees including 2 protected Sycamore Trees (excluding the dead/moribund Syacmore) whilst another 2 trees are identified for removal to facilitate the internal layout. To compensate for this loss 21 trees are proposed to be planted within the site comprising of 5 Field Maple, 7 Alder, 3 Birch, s4 Oak and 2 Bird Cherry. The proposed replacement tree planting is considered to be sufficient mitigation for the loss.

The Council's Tree Officer has been consulted on this application and raises no objection to the proposed development however has lodged a holding objection as additional information has been requested in the form of a tree protection method statement and an indicative services run layout plan for water, sewage, electricity, gas, telecommunications, etc, including where such might exit the site to connect to existing service runs. It is considered that this information can be provided at RM stage and controlled via condition should this application progress with a positive recommendation.

In addition to the proposed tree planting the proposal includes the following ecological enhancements; bat boxes, bird boxes, native hedgerow, shrub and meadow planting. The Council's Ecologist has been consulted on this application and raises no objection to the proposed development concluding that the level of survey undertaken was appropriate and proportionate for the level of development and that the ecological mitigation as proposed was suitable as to support the application and meet the requirements as set out by PPW11 and section 6 of The Environment Wales Act to provide a net benefit in terms of biodiversity on site.

6.5 Historic Environment

The application area is within the Archaeologically Sensitive Area of the Gwent Levels, defined for the significance of reclaimed land, managed drainage and buried land surfaces with settlement remains, and significant waterlogged deposits, dating from the prehistoric onwards. The area is c300m south/east of the Scheduled Monument of Caldicot Castle, and is on the western bank of Nedern Brook. Significant archaeological remains have been found in the park, including the Bronze Age Caldicot Boat, and areas of brushwood track and other waterlogged remains from the same date, associated with the Nedern Brook which was more used as a channel for small ships and boats during that period. No activity is noted in the proposed development area itself, however, the area is the last area of open ground and appears to have been pasture since at least the 1830s. It is therefore possible that features or artefacts may be located inside the application area, and the proposed development therefore will require mitigation. As a result, GGAT recommend that a condition, requiring the applicant to submit a detailed programme of investigation for the archaeological resource to be undertaken, should be attached to any consent. GGAT envisage that this programme of work would take the form of an archaeological watching brief during the associated groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for appropriate recording of human remains, and any sampling that may prove

necessary, postexcavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular; 016/2014. Should this application progress with a positive recommendation the recommended condition will be attached.

6.6 Landscape

The application site is within a built up area and would form an extension to the existing industrial estate, therefore no concern is raised to the proposed development in respect of its impact upon the landscape/landscape character in the area.

6.7 Impact on Amenity

The properties considered to be most impacted as a result of the development are those on Pill Row to the west of the application site. It is not considered that the built form of the development would have any unacceptable impact upon the living conditions of neighbouring occupiers in respect of outlook or loss of light. It is considered that the development is a sufficient distance from the closest neighbouring properties as to avoid any unacceptable impact and that the additional planting as proposed on the site boundary would reduce any impact further.

Regarding noise/odour any unacceptable impacts would be controlled via separate legislation however in this case the Council's Environmental Health Officer has been consulted and not raised issue/concern with the proposed development particularly given the layout of the proposed scheme with the units arranged to face into the site away from the closest residential properties therefore not dispelling noise/odour towards the nearby residential properties. No concern is raised by the Environmental Health Department on the basis of B1/B8 uses, however, as B2 uses are sought a Noise Impact Assessment will be required prior to the commencement of development to demonstrate that there would be no unacceptable adverse impact upon the living conditions of neighbouring occupiers. As this application is for outline consent it is considered this information can be provided at RM stage should the application progress with a positive recommendation.

6.8 Highways

The development is proposed with 2 access points, a vehicular and pedestrian access from Castle Court in the south and a cycle/pedestrian access in the north/west. The vehicular access from Castle Court has been designed to current design standards for new industrial estate roads and adoptable standards therefore no objection is raised in this respect. The turning head as proposed is also shown to be in accordance with current design standards as a vehicle tracking layout has been provided demonstrating that rigid HGV turning movements can be accommodated. However, no tracking layout has been submitted for articulated HGV's, The Local Highways Authority have requested this be amended to accommodate articulated HGV's. As this application is for outline consent such details can be controlled via condition and final design agreed at RM stage.

In accordance with the Active Travel Act 2013 the application site is shown to have appropriate active travel links to the existing pedestrian footway network throughout the Severn Bridge Industrial Estate and beyond to the Portskewett area. Furthermore, an active travel link is also proposed from the site directly onto the adjacent Pill Row, providing links to the wider Caldicot area and Town Centre.

In respect of traffic impact/generation the TRICS data base estimates that in the AM peak period 35 two way movements and 27 two way movements in the PM peak period would come from the proposed development. This has been considered by the Local Highways Authority who consider this to be minimal considering that the traffic will be absorbed within overall traffic generation from the existing Severn Bridge Industrial Estate, which is an historic and well established commercial industrial estate. Therefore, the impact on safety and capacity of the existing local highway network will not be exacerbated to the detriment of highway safety.

In respect of parking provision, each unit is proposed with 3 allocated spaces with additional disabled spaces throughout the site. Units 2, 4, 5, & 6, have satisfied their parking requirements under the local parking standards, however the remaining larger each have a shortfall of 1 space each. The Local Highways Authority have raised concern in this respect and requested that a revised layout showing additional parking provision is provided. In this case given the highly sustainable location of the site and given the additional sustainable/active travel provision proposed it is not considered that a shortfall of 1 space for the remaining units would result in any unacceptable impact. The current parking standards were adopted in 2013 and have therefore been superseded by both PPW 11 and Future Wales, both of which promote lower levels of parking provision within sustainable/suitable locations (see references below). It is considered that the shortfall as proposed is minor and should not result in the refusal of this application.

PPW11

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed".

4.1.52 "Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places".

Future Wales

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 87 "Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time".

6.9 Flooding

The application site falls within a C1 flood zone as identified by the Development Advice Maps (DAM) that accompany the current TAN15 and is shown to be at risk of flooding from coastal/sea water and from the Nedern Brook (fluvial). An FCA and additional flood modelling of the Nedern Brook has been produced by the applicant in support of the proposed development. The FCA and flood modelling data has not been able to demonstrate that flood risk on site is acceptable in line with the tolerable limits as set by section A1.14 and 15 of TAN15. The TAN states that depths/information within A1.15 "should not be regarded as prescriptive provides indicative guidance on what is considered tolerable conditions for different types of developments". However, as the extent/depth of flood risk on site is considerably beyond the depths set out in the TAN it is not considered that the proposal can be supported on the basis of on-site flood risk. NRW has been consulted on this application and maintain their concerns in relation to flooding/flood risk and unless an FCA can be produced outlining that flood risk is acceptable in line with the requirements of TAN15 would object to the proposed development.

The FCA confirms that ground levels for the development site range between 7.08-8.68m AOD and it is proposed that the site will be raised to the level of the adjoining road to the south of the site, which is 8m AOD. Based on these proposed site levels (8-8.68m AOD), the FCA confirms;

A1.14 Criteria

During a 1% (1 in 100 year) plus 25% for climate change annual probability fluvial flood event, the predicted flood level is 9.12m AOD. Therefore, the development site is predicted to flood to maximum flood depths between 1.12m and 2.04m. This fails A1.14 criteria that states all development should be flood free during this event. During a 0.5% (1 in 200 year) plus climate change (LOD 2098) annual probability tidal flood event, the predicted flood level is 9.70m

AOD. Therefore, the development site is predicted to flood to maximum flood depths between 1.7m and 2.62m. This fails A1.14 criteria that states all development should be flood free during this event.

A1.15 Criteria

During a 0.1% (1 in 1000 year) annual probability fluvial flood event, the predicted flood level is 8.54m AOD. Therefore, the development site is predicted to flood to maximum flood depths between 0.54m and 1.46m. This is beyond the tolerable limits of A1.15 criteria (<1000mm). During a 0.1% (1 in 1000 year) plus climate change (LOD 2098) annual probability tidal flood event, the predicted flood level is 10.48m AOD. Therefore, the development site is predicted to flood to maximum flood depths between 2.48m and 3.4m. This is beyond the tolerable limits of A1.15 criteria (<1000mm).

The proposed development has demonstrated negligible third party land flood related impact in the 1 in 100 year event and minimal third party land flood related impact in the 1 in 1000 year event, this has been corroborated by NRW therefore the proposed development is not considered to have an unacceptable adverse impact on flooding/flood risk off site it is not considered the proposed development conflicts with the requirements of section A1.12 of TAN15.

It is noted that within the NRW historic flooding dataset that the site has not historically flooded nor are there recorded historic flood events identified in the modelled reach of Nedern Brook. Land levels on site cannot be raised further without having an adverse impact upon flooding/flood risk off site.

The application site is within a C1 flood zone, this is classified as *“Areas of the floodplain which are developed and served by significant infrastructure, including flood defences”, “Used to indicate that development can take place subject to application of justification test, including acceptability of consequences”* With the nature of the development classified as "less vulnerable". Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified and accords with the tests outlined within section 6. The tests must be applied sequentially with the proposed development satisfying points i or ii and iii and iv. The tests are;

- 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.

Test i is not applicable. The proposed development site is allocated for industrial development within the adopted LDP therefore test ii is met. The application site is an undeveloped parcel of land therefore does not meet test iii, however whilst the proposal does not strictly meet this definition its allocation for industrial development within the LDP is considered to outweigh this element of the tests and therefore is not considered to be a sufficient reason for planning consent to be withheld in isolation. However, the FCA submitted in support of this application has not demonstrated that flood risk on site is of an acceptable level as set out by sections A1.14 and A1.15 of TAN15 and therefore the proposal fails test iv. It is therefore considered that the proposed development is unjustified and contrary to the requirements of TAN15.

6.10 Drainage

Given the scale and nature of the proposed development it will be subject of Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems; designing, constructing, operating and maintaining surface water drainage systems'. The applicant has provided a drainage scheme/destination for surface water

drainage and engaged with the Local Authority's Drainage Department in the form of a pre-app. No objection in relation to drainage has been raised by the LLFA in response to this application.

The site is within a SPZ and internal drainage board, Dwr Cymru Welsh Water have been consulted on this application and raise no objection in this respect. DCWW made comments relating to the presence of sewers in the vicinity of the application site and confirmed that they would not support operational development within 3 metres either side of the centreline of the sewers and requires that the location of these assets are to be determined prior to the commencement of development. This is controlled by legislation outside of the Town and Country Planning Act and therefore would not warrant the refusal of this application for planning consent. Should this application be supported an appropriately worded informative would be attached to the grant of planning consent. DCWW Raise no objection to the proposal subject to conditions.

6.11 Economic Development

This proposal is the final phase/parcel of land within the area that would form part of an existing industrial estate, the development would generate much needed employment space within the borough and meet the objectives of the adopted Monmouthshire Local Development Plan. The proposed development complies with LDP Strategic Policies S8 and S9 which aim to provide additional employment land and to deliver the Council's vision for sustainable economic growth.

6.12 Response to the Representations of Third Parties

The main points of the objections received will be addressed below;

Loss of green/open space – The land is private with no right of public access therefore is not a useable or community asset at risk. The site is allocated for development within the adopted LDP therefore the principle of the development is established and this point is given limited weight in the assessment of this application.

Impact upon ecology - The application has been accompanied by a number of surveys which identify a limited ecological value to the site. The proposed scheme has been designed to provide an ecological net benefit therefore this concern would not warrant the refusal of this application.

Pollution (noise, light and air) – The Council's Environmental Health Officer has been consulted on this application and raises no in principle concerns/objection to the proposed development however has required a `noise impact assessment should the application continue with a B2 use. Given the context of the site and if a noise impact assessment can demonstrate no unacceptable impact it is not considered that the development would have any unacceptable adverse impact upon the living conditions of neighbouring occupiers given the separation distances and general relationship between the site and the closest neighbouring dwelling(s). Should the application be considered for approval it is considered that conditions can adequately address impact in respect of noise/light and air pollution. The impact upon the living conditions of neighbouring occupiers has been considered within an earlier section of this report.

Detrimental impact upon traffic – This has been considered by the Local Highways Authority and is deemed to be acceptable therefore this point is given limited weight in the assessment of this application.

Loss of trees/hedgerow – It is considered that adequate mitigation has been proposed to compensate for the proposed development, this has been addressed within an earlier section of this report.

Concern over the specification of the planting scheme – The proposed scheme has been considered by the Council's Ecologist and Tree officer and is deemed to be acceptable therefore this point is given limited weight in the assessment of this application.

Visual impact of the proposed development with particular reference to colour of the units – the principle of erecting industrial style buildings is considered to have been established within the allocation of the land. However, it is not considered that the buildings would result in any unacceptable adverse visual impact that would be unacceptably detrimental to the amenity/character of the area. The proposed grey colour is not considered to be visually prominent or unacceptable within the context of the site.

Concern relating to drainage and flooding – The applicant has identified a drainage destination as part of this application and engaged within the SuDS pre-application service with the SAB at Monmouthshire Council, therefore no objection has been received from the drainage officer at MCC. Due to the scale of the development a SuDS application would need to be agreed prior to the commencement of development and constructed in accordance with the scheme. SuDS is separate legislation outside the remit of the T&CP Act therefore this consent can be obtained following the grant of planning consent. Drainage is a material consideration in the assessment of a planning application and it is considered that the applicant has satisfied the requirement for this application to proceed.

In respect of flooding, it has not been possible for the FCA to demonstrate onsite flooding/flood risk to an acceptable level in line with TAN15 and therefore this application is recommended for refusal.

Question of the need for the development – The LDP allocates land in accordance with an evidence base. Therefore the principle of the development was established when the LDP was adopted.

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

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

6.14 Conclusion

The application site is allocated for commercial/industrial development within the adopted Monmouthshire Local Development Plan (Policy SAE19(H)). The site is within the settlement boundary in a sustainable location well served by local amenities and is accessible by both public and sustainable modes of transport. The development would provide much needed employment facilities within the borough and would support the economic objectives of the Council. The site at present has limited ecological value and the proposed development would adequately compensate for the losses required whilst providing a net benefit for ecology/biodiversity. No concern is raised in respect of highway safety or upon the living conditions of neighbouring occupiers. Additional information would be required in support of the final development however this is standard for outline planning consent and it is considered that all information currently outstanding could be controlled via condition and submitted at Reserved Matters stage. The application has not been able to demonstrate that flood risk on site can be managed to an acceptable level inline with sections A1.14 and A1.15 of TAN15 and therefore fails the justification tests within section 6 of the TAN. Therefore the proposed development is recommended for refusal.

7.0 RECOMMENDATION: REFUSE

Reason(s) for Refusal:

The proposed development has failed to demonstrate that flood risk on site can be managed to an acceptable level in accordance with sections A1.14 and A1.15 of Technical advice note (TAN) 15:

development and flood risk (2004) and therefore represents unjustified development contrary to TAN15.

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Application Number: DM/2023/01042

Proposal: Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for five horses, erection of ancillary storage building, construction of manege

Address: Land north-west of Holly Lodge Road From A48 To Dewstow Road, Fives Lanes, Caerwent

Applicant: Mr Alan Connolly

Plans: PNL-01, PLN-02, PLN-03, SITE LOCATION PLAN, DESIGN AND ACCESS STATEMENT, SUPPORTING PLANNING STATEMENT, PRELIMINARY ECOLOGICAL APPRAISAL, RIDING ARENA CONSTRUCTION GUIDE,

RECOMMENDATION: Approve

Case Officer: Mr Adam Foote
Date Valid: 24.07.2023

This application is presented to Planning Committee following the receipt of five or more public objections

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises an L shaped, 2.11 ha (5.2 acre) field positioned on the north-eastern side of an adopted but unclassified highway known as Five Lanes, Caerwent. The site falls outside of the defined settlement boundaries as shown on the proposals map of the Monmouthshire Local Development Plan (LDP) and therefore for planning purposes is located within the open countryside.

The site is currently enclosed by a combination of post and wire fencing with newly planted and mature and maintained deciduous hedges to the north-west, north-east and the majority of the south-western boundary. Public right of way (footpath) 353/7/1 crosses the site from the south-western boundary leading from the public highway to the north-eastern corner of the land. Vehicular access is gained via a gated access in the south-western corner, adjacent to a gateway serving a field and stables to the west. The area also forms part of the Minerals Safeguarding Area for limestone within the LDP. The Lower Rodge woodland to the north-west is protected as a Site of importance for Nature Conservation (SINC) as it forms part of an ancient and semi natural woodland. The site is outside of the catchment for any riparian Special Area of Conservation (SAC) and is not considered to be in a phosphate sensitive area.

At the time of inspection, the land was laid to pasture with a steel storage container, a small domestic style summer house and a static caravan installed adjacent to the north-western boundary. A gravelled driveway and area of hardstanding have also been installed leading from the vehicular access which has been altered and widened through the removal of part of the south-western boundary hedge and replacement with a 1.8 - 2m high close boarded fence and a set of inward opening double gates which had also been clad with close boarded timber panels. A small paddock area had also been developed using post and wire fencing, adjacent to the south-eastern boundary to provide a contained exercise space for the applicant's dogs. A short section of close boarded fence had also been erected within the field. The PROW has been re-routed from an existing stile running along the boundary of the field and not through the middle as it had run.

Based on aerial photographs, the land appears to have been used as grazing/ pasture for some time having originally formed part of the Council's agricultural estate portfolio, but was subsequently sold. The application site was subdivided from the land to the west between 2000 and 2005. A stables and storage container are evident on the land to the west (i.e. outside the application site) with aerial photographs indicating these were erected/ installed between 2005 and 2010.

1.2 Background

This site was subject of a recent planning appeal (Ref: CAS-02244-P5N1M3) which was dismissed on the basis of the inaccuracy of the supporting plans. There are a number of unauthorised structures/developments on the site which are not sought for retention as part of this application and therefore are not for consideration in the assessment of this application. These structures/developments are being pursued via a separate planning enforcement investigation. Discussions were had between the Planning Officer and the applicant and their agent in an attempt to agree a timeframe/schedule of works for the unauthorised developments which could form part of this application to be controlled via a condition, however as the timeframe was not agreeable this has not progressed and therefore does not form part of this application.

1.3 Proposal Description

The application seeks full planning permission for use of the land for equestrian purposes including the construction of stable and storage facilities and a manege. Consent is sought for the entire site in respect of the equestrian use although the built form/development would be concentrated in the section of land adjacent to the adopted highway. The stables and store are proposed to be sited along the south/west boundary of the field running parallel to the access road with the buildings facing inwards. The buildings adopt a simple utilitarian design typical for this nature of development. The stables are proposed with a stepped arrangement and would be constructed of blockwork with timber cladding and are arranged as five individual stables. The store is proposed to be arranged as a store, tack and dry room with a simple rectangular shape constructed of blockwork and clad in timber. The manege would be located centrally in this section of the field and be constructed with a rubber surface. The proposed plans show the re-routing of the Public Right of Way, and this will require a separate consent outside the remit of the Town and Country Planning Act. The application includes the erection of boundaries consisting of planting and fencing to demarcate the total area. The scale, design and position of the development is illustrated in full on the submitted drawings.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00738	Proposed equestrian use including an 8 stable block, tack room, hay room, manege and temporary siting of caravan.	Refused	20.07.2022
DC/2005/00094	Replacement Garage (For Private Use)	Approved	22.03.2005
DC/2000/00534	New Pitch Roof Over Existing Flat Roof Extension.	Approved	14.07.2000

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S15 LDP Minerals
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Renewable Energy and Energy Efficiency SPG March 2016
Green Infrastructure April 2015

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11
Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 6: planning for sustainable rural communities
Technical advice note (TAN) 12: design
Technical advice note (TAN) 16: sport, recreation and open space
Technical advice note (TAN) 18: transport
Technical advice note (TAN) 24: the historic environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caerwent Community Council: Objects to the proposed development; grounds include: highway safety will be compromised; an increase in larger vehicles; insufficient parking on hard standing; a condition may be required regarding who will maintain the new hedge along the diverted public footpath; protected and priority species do not seem to be considered in the application; little consideration of waste storage and collection; existing concerns about the already installed cesspit; no specific detailed plans for temporary vehicles and buildings; illegal removal of hedgerows has already taken place - not mentioned in the environmental report; a postcode error on the application leads to confusion as to who is the owner of the land, and if a condition is applied limiting regular visitors to the site to the applicant and her family, as suggested by the

applicant in the supporting planning statement, then it needs to be clear whether it is immediate or extended family.

MCC Highways: No objection

MCC Landscape/GI: No objection subject to conditions

MCC Ecology: No objection subject to conditions

MCC Public Rights of Way (PROW): No objection

Cadw: No objection.

5.2 Neighbour Notification

This application was advertised by means of three site notices. A number of representations have been received in opposition to the proposed development.

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

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

6.0 EVALUATION

6.1 Principle of Development

The application site is located in an area of open countryside within the Community of Caerwent. In such locations, there is a general presumption against new development unless the proposed development accords with national planning policy or specific policies in the LDP. In respect of this proposal, policies LC1 and RE6 of the LDP are relevant as they offer the potential for new development in the open countryside subject to the proposal meeting their specified criteria.

Policy LC1 requires the proposal to be considered against one of the following LDP policies: S10, RE3, RE4, RE5, RE6, T2 and T3 and provides the following criterion that proposals must comply with:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value

The relevant policy in this case is LDP Policy RE6 - Provision of Recreation, Tourism and Leisure Facilities in the Open Countryside, which supports new recreational and leisure uses in the countryside.

Policy RE6 specifies the following:

"Development proposals for recreation, tourism and leisure uses in the countryside will be permitted provided that they are of a small-scale, informal nature and subject to detailed planning considerations, including adequate safeguards for the character and appearance of the countryside (particularly its landscape, biodiversity and local amenity value). Development must re-use or adapt existing buildings where possible. In exceptional circumstances new buildings of an appropriate scale may be acceptable where justified and where the proposal meets the criteria set out in Policy LC1".

In principle, the proposed use of the site for the keeping of horses/equestrian activity is considered to be an acceptable use within this location on the basis that the use is personal only and there is no commercial use or livery operated from the site. It is considered that the use of conditions could adequately ensure that the use of the site remained compliant with the objectives of Policy RE6 in this respect. There is no objection to the development of the site for the proposed "arena" or to small scale stables being constructed on site to be used in accordance with the small-scale equestrian use. The stables as proposed are of a limited scale and simple design and therefore

are not considered to result in any unacceptable adverse visual impact that would be harmful to the amenity or landscape character of the area.

The agent acting in this matter has provided justification for the scale of the proposed storage building which is considered to be reasonable and warrants the size of the store relative to the number of horses to be stabled on site.

The application forms part of a Minerals Safeguarding Area, although the scale and nature of the proposed development is not considered to sterilise the site from mineral extraction in the future and therefore no objection is raised in this respect.

In this instance the proposed development is considered to comply with the criteria as set by the relevant policies of the Monmouthshire LDP and therefore the proposed development is considered to be acceptable in principle.

6.2 Sustainability

The application site is located outside of the settlement boundaries where both local and national planning policies seek to restrict new development. The site is not easily available via public or sustainable modes of transport and it is therefore considered that most journeys to/from site will be via private motor vehicle. In this case the lawful use of the land is for agricultural purposes and the proposed use for the keeping and exercising of horses for personal use is not considered to result in such a significant uplift to vehicular journeys to/from site and therefore no concern is raised in respect of the sustainability of the site relative to the proposed use.

6.3 Place Making/Good Design/Landscape

The land associated with the proposal extends to about 2 hectares (5 acres) and is positioned on the north side of the Five Lanes highway. With the exception of the unauthorised structures installed on the site by the applicant, there are no buildings on the land, with the area historically used for grazing or for the taking of a hay/ silage crop. Either side of Five Lanes are pockets of development comprising dwellings with outbuildings and/ or stables, field shelters, maneges, etc. Typically, the developments are positioned in close proximity to the highway and as such appear as a form of ribbon development.

With regards to new development in the open countryside, in association with Policy RE6, LC1 specifies the following:

"In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value."

Policy LC5 states:

"Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or

f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment."

Policy DES1 reflects national planning policy and the objectives of good design. The policy sets out the general design considerations that development proposals in the County will be expected to meet in order to ensure that approved developments display character, respect local distinctiveness, complement their surroundings and provide attractive, sustainable and inclusive environs with key areas of consideration being given to ensuring that the amount of development and its intensity is compatible with existing uses; that developments respect the existing form, scale, siting, massing, materials and layout of their setting and any neighbouring quality buildings and developments respect built and natural views and panoramas where they include historical features and / or attractive or distinctive built environment or landscape.

The application site is visible from the public realm and a PROW crosses the land thus, any development is considered to have an impact upon the amenity and character of the immediate area and to impact upon the amenity and character of the countryside.

The proposed manege is considered to be of a scale that is appropriate for private use and providing it is constructed of appropriate materials and is not illuminated it does not raise concern in relation to its visual impact. Lighting and materials can be controlled via condition and so no concern is raised in this respect.

The proposed external finish of timber cladding is considered to be acceptable, but it is considered necessary to condition that the external finish will be applied and completed prior to the development coming into beneficial use as to safeguard the special character of the countryside. In this instance given the limited scale and nature of the proposed development it is not considered that there would be any unacceptable adverse impact upon the amenity or character of the area. No conflict with LDP policies DES1 or LC1 have been identified.

The proposed development due to its limited scale and height, siting and acceptable design is not considered to result in any significant impact upon the landscape character of the area that would warrant concern or the refusal of this application. The Council's Landscape/Green Infrastructure Officer has been consulted on this application and raises no objection subject to conditions. No conflict with LDP Policy LC5 has been identified.

6.4 Biodiversity/Green Infrastructure

The application is supported by a Preliminary Ecological Appraisal Report completed by New Ways Ecology dated 24/07/2023 which concludes that the proposed development would not have any significant adverse impact upon biodiversity interests on site or within the wider area. The proposal has been reviewed by the Council's Ecologist who raises no concern in relation to the development subject to conditions in relation to controlling dust generated by the manege, lighting and to provide a biodiversity enhancement. In this case the lighting and dust conditions are considered necessary, however the biodiversity net benefit is considered to be achieved by the proposed planting and therefore it is instead considered more appropriate to condition that full details of the planting scheme be submitted for approval prior to the commencement of development.

6.5 Historic Environment

The application site is located on the hillside to the south-west, above the village of Caerwent. The wider site is approximately 355m to the south-west of the Conservation Area boundary; 750m to the south-west of the Scheduled Ancient Monument (SAM) with the storage building approximately 500m to the Conservation Area boundary and 900m to the south-west of the SAM designation.

Given the limited height and scale of the proposed development it is considered that any impact in respect of intervisibility between the historic assets and the site would be minor and not result in any unacceptable impact. Cadw have been consulted on this application and raise no objection to the proposed development in respect of its impact upon the designated historic assets. The

proposal is therefore considered compliant with the requirements of Technical Advice Note (TAN) 24 - The Historical Environment and LDP policies S17 and HE1.

6.6 Impact on Amenity

There are residential properties within the vicinity of the site, the closest being High Mass Cottage which is positioned approximately 160m to the east of the southern part of the site. Based on the distances maintained, it is considered that the development proposed would not generate any increased overshadowing, loss of light, increased overlooking or loss of privacy.

As the development would be for personal use, it is considered that the noise and disturbance generated would be no greater than a standard domestic or agricultural arrangement (with consideration given to the potential use of larger machinery to move bales of hay etc). Given the distances maintained between the proposal and closest neighbouring property, the pattern of development already around that dwelling and the overall context of the area with active agricultural operation in place, it is considered that any noise or disturbance generated would not be so detrimental to residential amenity to warrant refusal of the application on such grounds.

Although the residential properties to the east of the site benefit from first floor windows in the northern elevation overlooking the site and land beyond, being mindful of the distances and intervening hedges maintained between, it is considered that the proposal would not have an overbearing impact or inhibitory impact on the outlook to warrant refusal of the application.

No details have been provided pertaining to manure management, these could be adequately secured by condition. Given the wider agricultural context of the site and the distances between the site and the closest residential properties, as well as the scale of the proposed use, it is considered that the development would not generate a level of odour nuisance detrimental to residential amenity.

Based on the above, the application is considered compliant with LDP policies S13, DES1 and EP1.

6.7 Highways

The proposed development is expected to generate additional vehicular journeys to/from site relative to the existing use as an agricultural field. However, taking the expected increase into consideration the overall trip generation is still considered to be low. The Council's Highways Section has been consulted on this application and raises no objection. The proposed access is deemed to be acceptable for the proposed use, and no concern is raised in relation to traffic generation or capacity of the local highway network. It is considered necessary to condition that the use of the land is solely for private use to ensure there is no unacceptable adverse impact upon highway safety in the area. It is acknowledged that highway safety has been raised as a concern within representations from the public consultation but based on the above it is not considered to warrant a reason for refusal. The proposed development is considered to comply with LDP Policy MV1.

6.8 Public Right of Way

The application site is crossed by a public right of way. As part of the development it is proposed that the right of way be diverted so that it is positioned adjacent to the eastern boundary of the site. During the pre-application process the applicant was advised that granting of planning permission does not entitle developers to obstruct or divert a public right of way, nor must it be assumed that because planning permission has been granted that an Order under s.247 or s. 257 of the Town & Country Planning Act 1990, for the diversion or extinguishment of the right of way, will invariably be made and confirmed.

6.9 Drainage

As of the 7 January 2019, all construction works with a cumulative constructional area of 100m² or more are required to have a Sustainable Drainage System (SuDS) to manage on site surface water designed in accordance with the Welsh Government Standards to Sustainable Drainage. SuDS Approving Body (SAB) consent is independent of planning permission and the applicant has been advised of the requirements to secure such consent prior to any further works take place on site. As no such details have been provided to accompany this application it is considered necessary to condition that either a method statement for dealing with Surface Water is submitted or SuDS consent is obtained. On the basis of the above, the application is considered compliant with LDP policies S12, S13, SD4, NE1 and EP5.

6.10 Response to the Representations of Third Parties and/or the local Community Council

Representations in opposition to the proposed development have been received from both the Community Council and from members of the public. Many of the points raised have been addressed within earlier sections of this report, however the main themes have been identified below:

Visual impact/Impact upon character of the area – this has been considered within an earlier section of this report and is deemed to be acceptable.

Overdevelopment of the land – an objection in relation to the number of horses relative to the size of the available land has been received stating that the proposal represents an over-development as it cannot provide sufficient grazing land for the number of horses. The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010, provides specific stocking ratios that must be observed. However, this legislation is not applicable to leisure animals such as horses and ponies. Under the requirements of the Animal Welfare Act 2006 (which is regulated and enforced by the Department for the Environment Food and Rural Affairs (DEFRA), the RSPCA and the Police) it is the owner or keeper's responsibility to ensure reasonable steps are taken to ensure their animal's welfare needs are met and it is for them to assess whether the site is suitable for their animals.

Paragraph 1.10 of the Code of Practice for the Welfare of Horses which is issued under section 14 of the Animal Welfare Act 2006, provides the following information:

"As a guide, in order to maintain correct body condition, each horse requires a minimum of 0.4 to 0.6 hectares (one to one and a half acres) of good grazing if no supplementary feeding is being provided. However, this will depend on the ground conditions, the time of year, type of horse and degree of pasture management employed. A smaller area may be appropriate where a horse is principally stabled or housed and grazing areas are used only for occasional turnout."

Paragraph 1.13 specifies:

"It is not always practical or possible to remove horses from fields or pastures which become muddy, however, it is essential that the horse does have a comfortable, well drained area on which to stand and lie down, and on which to be fed and watered."

As a result, the structural development proposed, the area of land available for grazing would be reduced to approximately 1.7hecatre (4.28 acres) and is smaller than that advocated by the Code. However, the space requirement relates purely to the area required for good grazing if no supplementary feeding is being provided and does not relate to the land area required for turnout purposes. Following discussions, the applicant has confirmed that the animals would be stabled overnight from the end of October to April and during inclement weather, with daily turnout provided on the remainder on the pasture to the north or within the manege. All animals would be provided with daily supplementary feed in the form of hay/ haylage and hard feeds (to be stored in the large building) whilst stabled or turned out within the arena. Day time summer stabling will also be practiced during hot weather and/ or to reduce exposure to fly and midges which can lead to skin conditions. Whilst it is likely that the pasture area would become poached as a result of use in the winter this is not uncommon and can be rectified through the appropriate management of grazing, resting of pastures, use of the manege and animal rotation thereby reducing the intensity of use and impact on the land to the benefit of the character and amenity of the wider area.

As a result of the management techniques available in conjunction with the facilities proposed, it is considered that the site is capable of accommodating the number of horse proposed. Being mindful that the animals would have access to drained and surfaced areas (stables and manege) on which to stand, lie down, be fed and watered with further turnout space provided on pasture land it is considered that the proposal would be compliant with the requirements of the Code.

Highway Safety – the Council's Highways team has considered the application and raise no concern in relation to highway safety or to traffic generation as a result of the proposed development. Concerns have been raised from the public consultation in relation to the nature of vehicles using the lanes to access the site. This is not considered to warrant a reason for refusal given the nature of vehicles that would likely use the highway network to access the land in respect of the use as an agricultural field. In respect of parking facilities the development does not propose a dedicated parking/hardstanding for vehicles as they state this will not be required. The lack of a designated parking area is not considered to warrant the refusal of this application and it is considered there is sufficient room for vehicles to park within the field adjacent to the entrance.

Public Right of Way – objections have been received in relation to the diversion of the PROW; from a planning perspective there is no objection to the proposed alternative route but this is controlled under separate legislation and consent would need to be obtained via the correct channels irrespective of the outcome of this planning application. This application would not provide consent for the re-routing of the PROW. In respect of the responsibility for maintaining the hedges this would fall to the land owner and therefore no such condition would be required.

Protected priority species – the supporting documents submitted with this application detail the means of how the development would not have an adverse impact upon priority/protected species. This has been considered by the Council's ecologist and is deemed to be acceptable within the context and relative to the scale and nature of the development.

Waste Management – this has been considered in an earlier section of this report and it is considered this can be controlled via condition.

Unauthorised developments – the existing unauthorised developments are not included within this application and therefore do not form part of the proposed development and cannot be considered in the assessment of this application. The existing unauthorised developments are being considered under a separate planning enforcement investigation, and while they are within the red line boundary for the site, they do not directly impact upon the proposed development.

Limitations of the use – consent is being sought for a personal use of the land and therefore it is considered sufficient to condition that the use of the land is for personal use only and not for commercial purposes.

Incorrect/misleading/missing information – The detail as provided within the application form and associated documents are considered to be accurate and sufficient for the purposes of this application to be considered valid and for an assessment to be made on the proposed development.

It is considered that the proposed development is acceptable and accords with both local and national planning policies.

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

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

6.7 Conclusion

Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

4 The development hereby approved shall not come into beneficial use until the wooden cladding as shown on approved plans PLN-1 and PLN-3 has been applied and completed. The cladding shall be maintained thereafter in perpetuity.

REASON: In the interests of visual amenity and to safeguard the special character of the countryside.

5 Prior to the development hereby approved coming into beneficial use a waste management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a methodology for the storage and removal of all waste materials from site including manure. The development shall then be operated in accordance with the approved details.

REASON: To protect the living conditions of neighbouring occupiers.

6 Prior to the commencement of development full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with tree, shrub and grass establishment.

REASON: In the interests of visual and landscape amenity; in accordance with Policies LC4 & LC1/5, GI1 and NE1 of the Local Development Plan

7 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

8 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to the commencement of development and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development,

whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features

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

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

10 Prior to the commencement of development details of the manege surface shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

REASON: To protect habitats of principle importance for conservation in Wales, in line with LDP Policy NE1 and Environment (Wales) Act 2016

11 No development shall commence until either SAB approval has been obtained or a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

REASON: To prevent hydraulic overloading of the public drainage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

12 The development hereby approved shall be for personal use only and shall not be used for commercial purposes, including livery use.

REASON: In the interests of highway safety and to protect the living conditions of neighbouring residents in accordance with LDP Policies MV1 and EP1.

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Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/09/2023

Appeal reference: CAS-02439-F3D8N4

Site address: 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire NP25 5NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Katharine Owens against the decision of Monmouthshire County Council.
 - The application Ref DM/2021/00908, dated 5 June 2021, was approved on 29 July 2022 and planning permission was granted subject to conditions.
 - The development permitted is described as 'Retrospective application for change of use from agricultural land to garden and retention of levelled area in situ'.
 - The condition in dispute is No 6 which states that: "No touring caravan(s), static caravan(s), mobile home(s) or motor vehicle(s) shall be sited or stored in the extended residential curtilage hereby approved".
 - The reason given for the condition is: "In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policies DES1 and LC5".
 - A site visit was made on 22 August 2023.
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Decision

1. The appeal is allowed and the planning permission Ref DM/2021/00908 for Retrospective application for change of use from agricultural land to garden and levelled area at 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire NP25 5NW granted on 29 July 2022 by Monmouthshire County Council, is varied by amending condition nos. 1, 4 and 5, and deleting condition no 6, as set out in the schedule to this decision letter.

Procedural Matters

2. Notwithstanding the information given on the application form, I have taken the description of development from the Council's Decision Notice, which is more accurate; albeit since 'retention' is not a form of development I have removed reference to this. As the development has been completed, retrospective planning permission is sought, and I have determined the appeal on this basis.
3. The red line boundary for the appeal site differs between the approved Block Plan and Location Plan. The site shown on the approved Location Plan includes a side and rear access track, and a strip of land which during my site visit was occupied by parked vehicles and caravans, amongst other items. The parties have confirmed that this larger site boundary is derived from the land title plan, whereas the change of use sought relates to the smaller site area shown on the 'Block Plan' and in the other submitted documents. This decision therefore relates to the boundary shown on the Block Plan.

Main Issue

4. The main issue is whether the disputed condition is reasonable and necessary to preserve the special interest of the registered park and garden of Hilston Park and the setting of associated listed buildings; and to safeguard the character and appearance of the area.

Reasons

5. The appeal site lies within the open countryside adjacent to a small cluster of dwellings. The land subject to the planning permission is to the south of two adjoining dwellings of modest rural character and extends the existing rear garden of one of these properties. Since February 2022 the appeal site has been included within the boundary of Hilston Park, a registered park and garden which also accommodates two listed buildings.
6. The site rises gently from south to north but features a levelled area in the central northern section. At the time of my visit the site mainly comprised lawns, grassland and scrub, deciduous and evergreen trees, ancillary structures and a caravan. The western and southern boundaries are marked by mature hedgerows and a post and wire fence. The east of the site is bounded by trees and a hedgerow, albeit this is fragmented adjacent to the neighbouring residential property of 'Laun and Deri Cottage'.
7. Both Cadw and the Council have found the development to be acceptable in principle due to factors such as the site's historic use as an orchard, its position within a natural dip in the landform, and the extent to which hedgerows screen and separate the site from the open fields which comprise much of the registered park and garden. Cadw does not object to the development's effect on the setting of nearby listed buildings, including from the scale of the extended curtilage relative to the dwelling. Having regard to the circumstances of the case, including the site's siting and location to the dwelling's rear, its continued association with the nearby cluster of dwellings and its containment by established field boundaries, I have no reason to find otherwise. I agree, however, that the removal of permitted development rights for the erection of permanent structures, and the implementation of a scheme of landscaping, is necessary to ensure that the site retains a predominantly open and natural appearance which is sympathetic to the setting. Securing such via conditions would preserve the special interest of Hilston Park, the setting of listed buildings and the area's rural character and appearance.
8. Notwithstanding this, whilst the extended garden is extensive and unlikely to be regularly occupied, the change of use represents a material intensification of the land relative to its previous use as an agricultural field, through which no public rights of way run. Although noise and disturbance arising from the site's use as a garden would not be of a nature or magnitude which would be intrusive to neighbouring residents, I saw on my site visit that the direct and close-range views available into windows serving Laun and Deri Cottage, which sits at a lower level to the appeal site, would unacceptably reduce neighbouring occupants' privacy levels, contrary to policy DES1 of the Monmouthshire Local Development Plan (LDP). I am satisfied, however, that securing natural boundary screening near to the shared boundary would satisfactorily mitigate this harm whilst retaining an acceptable outlook for neighbouring occupants. I have therefore imposed amended versions of condition nos. 4 and 5 to ensure that the agreed scheme of landscaping addresses this adverse impact and is implemented in a timely manner, whilst also securing biodiversity enhancement as required by policy 9 of Future Wales.
9. The disputed condition, no 6, seeks to prohibit touring or static caravans, mobile homes and motor vehicles from being sited or stored on the site. It is generally accepted that the parking or positioning of vehicles or caravans within a residential curtilage is excluded from the definition of development if it is incidental to the enjoyment of a dwellinghouse.

Whether or not that is the case is a matter of judgment relating to factors including the actual or potential nature of the use.

10. Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'), which forms part of the national planning policy framework, notes that conditions are sometimes imposed to restrict incidental activities. Nonetheless, the development is clearly described as a change of use to a garden with an area of levelled land. Any storage of vehicles, caravans or mobile homes, so far as that was incidental to the residential use for which planning permission is sought, would not be so visually incongruous as to affect the special interest of Hilston Park, the setting of listed buildings or the area's character and appearance, and so would accord with the relevant policies of the LDP. As planning decisions generally run with the land, this view is reached based solely on the boundary and characteristics of the appeal site and is not influenced by the appearance of other land within the appellant's ownership.
11. I have found the development to be acceptable, subject to conditions, and the use has already commenced. Consequently, a reversion to agricultural land does not seem a plausible 'fall back' position and I afford little weight to the appellant's arguments in this regard. Were vehicles, caravans or mobile homes to be kept within the permitted garden in such numbers or in a manner which would stray beyond being incidental to the enjoyment of the dwellinghouse, planning permission would be required. Consequently, condition no 6 is not necessary in the interests of visual amenity or to safeguard the appearance of the area. It is therefore contrary to the Circular as it is not fairly and reasonably related to the permitted development. Accordingly, I shall delete it.

Other Matters and Conclusion

12. Various allegations have been made against the appellant, but these are not relevant planning considerations and I afford them little weight. Irrespective of the fact that the development has already taken place, it is incumbent on me to determine the appeal based on its merits. Whilst the development would result in the permanent loss of land in agricultural use, this would not be of such significance as to justify withholding planning permission.
13. I have considered all other matters raised, but these do not alter my decision. I therefore conclude that the appeal should be allowed. For the reasons given, I shall vary the planning permission by deleting the disputed condition no 6, and imposing new versions of condition nos. 1, 4 and 5.
14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Paul Selby

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall be carried out in accordance with the following approved plans: Block Plan; Landscaping Plan (dated 21/03/2022); Details – Meadow Seed Mix (dated 21/03/2022).

Reason: To ensure the development is carried out in accordance with the approved drawings.

- 4) The use of land as garden curtilage hereby permitted shall cease within 3 months if any one of the requirements set out in (i) to (iv) below are not achieved:
- i. within 3 months of the date of this decision, a scheme of landscaping and biodiversity enhancement shall be submitted for the written approval of the local planning authority, and the scheme shall include a timetable for its implementation;
 - ii. if within 6 months of the date of the submission to the Local Planning Authority (LPA) under (i) the submitted scheme of landscaping and biodiversity enhancement is refused or the LPA fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers;
 - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme of landscaping and biodiversity enhancement shall have been approved by the Welsh Ministers; and
 - iv. the approved scheme of landscaping and biodiversity enhancement shall have been carried out and completed in accordance with the approved timetable.

Reason: To preserve historic assets and the area's character and appearance; to maintain and enhance biodiversity; and to safeguard the privacy of neighbouring occupants, in accordance with LDP policies LC5, DES1, S13, and G11 and NE1, and Future Wales Policy 9.

- 5) All planting, seeding or turfing comprised in the scheme of landscaping and biodiversity enhancement shall be carried out in accordance with the approved details and in accordance with the approved Landscaping Plan (dated 21/03/2022) and Details – Meadow Seed Mix (dated 21/03/2022), and shall be carried out in the first planting and seeding seasons following approval. Any trees or plants which, within a period of 5 years from the approval of the scheme of landscaping and biodiversity enhancement, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To preserve historic assets and the area's character and appearance; to maintain and enhance biodiversity; and to safeguard the privacy of neighbouring occupants, in accordance with LDP policies LC5, DES1, S13, and G11 and NE1, and Future Wales Policy 9.