

**Application Number:** DM/2020/00855

**Proposal:** Proposed outbuilding for ancillary and incidental use to the main dwelling, and regularisation of mixed use combining private dwelling (C3) with charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2)

**Address:** The Cwm Cribau Road, Llanfair Discoed

**Applicant:** Mr Phil Joiner

**Plans:** Site Plan P200 - , Floor Plans - Proposed P310 - Rev A, Floor Plans - Proposed P320 - Rev A, Elevations - Proposed P400 - , Elevations - Proposed P401 - , Elevations - Proposed P402 - , Other P500 - , Location Plan EX001 - Rev A, Other FCA - , Other appendices - , Ecology Report - , Parking Layout SK900 - , Proposed Roof Plan P390 - , Site Sections P500 - , Floor Plans - Proposed SK901 - , Floor Plans - Proposed P320 - Rev A, Floor Plans - Proposed SK902 -

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton  
Date Valid: 06.07.2020

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

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

The Cwm is a large, detached three storey dwelling of arts and crafts inspired architecture, set within the woodland of the Cwm Valley, approximately 1.3 km to the north-east of the village of Llanfair Discoed. The property originated from the 1890's, with a former stone outbuilding/ stable block to the rear of the site having previously been converted to provide ancillary annexe accommodation.

The property and site as a whole is accessed from an unclassified, adopted, no through road, known as Cribau Road which it shares with several other properties. The property is currently used as mixed use involving a dwelling (C3 use class) with a charitable training/retreat centre (providing therapy/classes with associated short term residential) (a C2 use class).

The property is positioned on the western edge of a large residential curtilage and wider land holding which extends to the north, south and east of the site. Whilst the main access is to the south forming part of an in and out driveway, with parking provided to the west of the dwelling, a further area of car parking capable of accommodating at least six cars with a further 60m long tarmac driveway leading to the property is positioned to the north of the dwelling.

The site of the proposed outbuilding is within the residential curtilage positioned to the south of the dwelling and principal access. The area comprises a level area of land, the eastern boundary of which is defined by a rendered retaining wall. Works to excavate the area and erect the walls were undertaken in 2018. The land is outside of, but adjacent to, a designated SSSI which climbs steeply to the east and is covered in woodland. The Castroggi Brook runs to the west of the site. The site is elevated above the brook which is partially culverted.

The site as a whole is located in an area of open countryside within the community of Caerwent. The site is also within a Mineral Safeguarding Area as identified by the proposals map of the Local Development Plan and a C2 Flood Zone, identified by the Development Advice Maps of Technical Advice Note (TAN) 15 - Development and Flood Risk.

## 1.2 Value Added

Detailed pre-application advice was given.

## 1.3 Proposal Description

The application seeks full planning permission for the erection of a multi-purpose outbuilding to be used to provide therapy classes and a retreat in association with a business already being run from the site. Although the property remains the applicant's dwelling, given the escalation of the business and the amount of space dedicated to visitors, the application also seeks to regularise the mix use of the property as a private dwelling (C3) with Charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2)

The proposed outbuilding would measure approximately 22m long, 8m deep with a maximum height of 6.7m falling to 3.8m at eaves level. Internally the development would provide an entrance lobby, toilets, store, kitchen and multi-use space on the ground floor with a seminar room at first floor level. The building would be built into the side of the hill and would be finished in treated timber cladding with grey metal sheeting on the roof. The new outbuilding would be located approximately 75 metres to the south of the main dwelling.

The proposed building would utilise the existing access to the residential property with one additional car parking space provided to the north of the building. A treatment plant would be installed to the north of the building and there would be an attenuation pond for the SuDS to the south.

Details submitted in support of the application indicate that the applicants purchased the property 7 years ago and have undertaken restoration and improvement works to the house and the garden since. The applicants currently operate a charitable enterprise from the site, 'Breathe' which offers spiritual retreat opportunities to church leaders and teams. The current application seeks to regularise the use of the dwelling and provide an ancillary flexible space suitable for group ministry training/ group therapy/ creative workshop activities that cannot be accommodated effectively within the main house. The applicants regularly host up to 20 people at a time, providing meals and accommodation, whilst offering a range of training/ counselling/ group therapy/ creative workshops.

The business has grown steadily. Due to the extent to which the dwelling is used in conjunction with the business, with only a few rooms now used exclusively for private use, it is recognised that there is a need to regularise the mixed use of the property as a private dwelling with a C2 charitable training/ retreat centre providing therapy/ classes with associated short stay residential accommodation.

Details submitted in support of the application specify that groups of up to 20 visit and spend time at the site. The limit on group size is fixed by the sleeping accommodation available in the main house and adjacent annexe, with guests staying on average 3 days (2 nights). The intention is to provide a 'barn-like' flexible space that can accommodate a variety of group activities plus a dining and food preparation area. From 2015-2019 the business has accommodated on average 655 guests from 168 different churches. The business is a gift-based ministry and a registered charity, operating on an average revenue of approximately £65,000 per year.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2006/00041	Erection of a conservatory & two replacement windows	Approved	21.07.2006
DC/2008/00396	Proposed single storey entrance hall and garden room extension.	Approved	21.05.2008

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S8 LDP Enterprise and Economy  
S10 LDP Rural Enterprise  
S11 LDP Visitor Economy  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S15 LDP Minerals  
S16 LDP Transport  
S17 LDP Place Making and Design

### Development Management Policies

E3 LDP Working from Home  
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside  
T2 LDP Visitor Accommodation outside Settlements  
SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP2 LDP Protection of Water Sources and the Water Environment  
EP3 LDP Lighting  
M2 LDP Minerals Safeguarding Areas  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

## 4.0 NATIONAL PLANNING POLICY

### Planning Policy Wales (PPW) Edition 10

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

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

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Caerwent Community Council** - Approve

**Natural Resources Wales** - No objection if specific conditions are imposed.

We consider the FCA submitted has demonstrated the risks and consequences of flooding can be managed to an acceptable level

The site is adjacent to Combe Valley Woods Site of Specific Scientific Interest (SSSI) concerns are raised that the proposed development, may damage the features of the Combe Valley and recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI. A Construction Environmental Management Plan (CEMP) should be requested by condition.

We note the proposal intends to dispose foul water to Castrogi Brook via a new package treatment plant. The site is located within The Great Spring Source Protection Zone (SPZ). The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit.

**MCC Highways** - No objection

**MCC Ecology** No objection subject to conditions

### 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of site notices. Letters have been received from six addresses and are summarised under the following issues:

#### Principle

Conditions should be imposed to limit the number of people using the site and any potential alternative use or alternative buildings can be used such as the local village hall.

The enterprise at The Cwm does not greatly benefit the local economy; there are concerns this will increase footfall with the intensification of the use.

#### Design

Out of keeping with character of area and the building seems materially over specified for what is required. The scale will be intrusive, contrary policy LC1 and LC5; it is unlikely to be assimilated into the surrounding countryside and, contrary to policy RE6; it is not based around an existing building. The proximity of the building and the sewerage system so near to the stream is a concern.

#### Amenity

Disruption during construction for foundations and water treatment plant

Potential noise from increased activity

Highway Safety

Increase in traffic volumes

Inadequate access and parking provision - the lane is very narrow and used by pedestrians

The lane is subsiding and cannot cope with the increase in traffic.

#### Ecology

Will adversely affect local wildlife

Will not protect the SSSI contrary to LDP policy NE1

The new building will contribute to light pollution in the area, disturbing the local fauna

Increase in pollution

#### Flooding

Increased flooding to neighbouring property as the gravel pit and holding ponds are very close to neighbour's boundary  
Increase in flooding over recent years

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 Strategic & Spatial Choices**

#### **6.1.1 Principle of Development**

The application seeks full planning permission to regularise the use of the dwelling as a mixed use private dwelling (C3) with charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2) and the development of a detached outbuilding to be used for purposes ancillary to the existing business.

As the development will regularise visitors staying overnight at the property and provide ancillary facilities to allow them to attend the classes from there, the proposal can also be evaluated against tourism policies. However, as the business is already being run from the main dwelling policies S8 - Enterprise and Economy and E3 - Working from Home are also of relevance.

Planning Policy Wales (PPW, Edition 10 2018) acknowledges in paragraph 5.5.2 that "the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities". However, it does note that in rural areas, "tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment".

In open countryside locations policies S1, which refers to the spatial distribution of New Housing Provision, and LC1 which refers to new build development in the open countryside, presume against new development unless justified under national planning policy and/or LDP development specific policies; of particular relevance these include:  
S10, Rural Enterprise; and  
RE6, Provision of Recreation, Tourism and Leisure Facilities in the Open Countryside

Policy S10 seeks to sustain and regenerate the County's rural economy by enabling the provision of rural enterprise and diversification where appropriate. It identifies that development which enables the diversification of the rural economy will be permitted outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Although emphasis is placed on the reuse and adaptation of existing buildings, the policy does allow for new buildings under exceptional circumstances which are controlled under subject specific policies including RE6.

Policy S8 of the LDP supports development proposals that seek to deliver the Council's vision for sustainable economic growth while policy E3 relates to working from home. Policy E3 specifies that proposals to allow a small business to operate from home will be permitted provided it can be demonstrated that there will be no adverse impact on the local amenity and/or character of the area.

Policy S11 advises that development proposals that provide or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations.

Policy T2 identifies that the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings

Details submitted in support of the application indicate that the business actively draws visitors to the area, operating within the accommodation capacity of the existing dwelling and annexe. Although

guests engage with planned activities, they are also encouraged to interact with the wider area, visiting tourist sites and local businesses. Although outside the defined development boundary the use of the existing dwelling as serviced visitor accommodation aligns with the re-use and adaptation of an existing property in line with the requirements of T2. The outbuilding proposed as part of the current application would be used to provide ancillary and incidental space for the existing building (in line with policies RE6 and LC1).

On this basis the application is considered compliant with policies S8, S10, S11, RE6, T2 and E3 and is acceptable in principle, subject to the proposal satisfying a number of material considerations.

#### 6.1.2 Good Design/ Place making

As no alterations are proposed to the external appearance of the main dwelling, this aspect of the report will focus on the proposed outbuilding.

A number of public concerns have been raised with regards to the scale and design of the proposed outbuilding. Whilst a request was made to reduce the scale of the building, the applicant has advised that the structure as proposed is necessary to support the existing enterprise and has requested the application be determined in its current form. Although relatively large, it is considered that the design of the outbuilding has drawn inspiration from simple and functional barn type structures and would be of a size and scale proportionate to the existing dwelling and wider land holding. Although visible from the lane to the west, it is considered that the development would appear subservient and proportionate in massing relative to the main dwelling and landholding and would make use of external materials (timber cladding and a sheeted roof) that would emphasise its secondary and ancillary use.

Whilst criterion b) of policy LC1 specifies that new buildings, wherever possible, should be located within or close to existing groups of buildings, in this instance siting is limited by the linear form of the overall site on the valley floor, adjacent to the stream and the topography of the wider area that falls steeply from west and east. Given the position of the outbuilding adjacent to the main driveway and the consistent boundary features along the western side of the site, it is considered that the development would appear as a logical part of the residential curtilage.

On the basis of the above the application is considered compliant with LDP policies S13, S17, LC1 and DES1

#### 6.1.3 Impact on Amenity/ Promoting Healthier Places

As specified above the building would be located within the southernmost part of the property's curtilage. Not including the host dwelling, a minimum distance of 280m would be maintained between the outbuilding and the closest residential property. As such it is considered that the development would not generate any increased overshadowing, loss of light, increased overlooking or infringement of privacy to those living closest to the site.

A further objection has been raised in respect of noise arising from the use of the building having a detrimental impact on walkers' amenity. The development would be of cavity wall construction, clad with timber. As such it is considered that noise spill from the use proposed would be minimal. Furthermore, it is noted that a minimum distance of 8m and existing landscaping would be maintained between the outbuilding and the lane. As a result it is considered that the development would not be so overbearing or oppressive to users of the lane to warrant refusal of the application on such grounds.

On the basis of the above, the application is considered compliant with LDP policies S13, S17, EP1 and DES1.

### **6.2 Active and Social Places**

#### 6.2.1 Sustainable transport issues

As part of their responses a number of objectors have identified that there is no public transport connection within the wider locality. Given the rural location of the site, it is acknowledged that visitors are highly likely to arrive by private vehicle. However, the site is already in full and active use with the proposed outbuilding seeking to provide ancillary facilities to support the enterprise. It is considered that the approval of the proposal would assist in the maintenance of the enterprise and its impact with regards to sustainability is on a small scale that would not be so detrimental to warrant refusal of the application.

### 6.2.2 Access / Highway Safety

Details submitted in support of the application specify the following:

The Cwm has three existing points of access that bridge the watercourse, with two of these being connected to one another by a private drive. The driveway provides an 'in and out' route enabling vehicles to re-join the public highway in a forward gear. The site of the proposed outbuilding is located immediately adjacent to the southern-most access, at the bottom on the main drive.

The main drive is approximately 60m long and can accommodate 12 cars, with space for a further 4 cars in close vicinity to the house and annexe. Further to this a small parking area has been created at the most northerly access point to the property. This can accommodate 6-8 cars with space to turn and connects to a second 60m stretch of driveway that the owners have not previously needed to use for parking. Immediately to the front of the proposed outbuilding a new disabled parking space will be allocated for ease of access to the facility.

As part of their response, objectors have raised concerns with regards to increased traffic generation, the suitability of the access leading to the site and inadequate parking provision. Following the consultation the agent has confirmed that the number of visitors to The Cwm is limited to 20 people because of the available sleeping accommodation in the house and annex. The business operates on a residential course basis only.

The Council's Highways Department has raised no objection to the application noting that the application site has a lengthy private drive and the formal parking arrangements within the site are more than capable of accommodating the level of parking and servicing requirements. They confirm that the proposal is not considered to be detrimental to the safety and capacity of the immediate highway.

Being mindful of the above and the extant nature of the business, it is considered that provision of ancillary facilities to support the enterprise would not generate an increased number of vehicle movements or demand for parking which would be detrimental to the highway safety of the area. However, given the size of the outbuilding proposed and the facilities within, it would be possible for the dwelling and outbuilding to be used independently of each other, which in turn could have a detrimental impact on highway safety and the free flow of traffic along the lane and within the wider highway network. As a result it is considered necessary to condition that the outbuilding only be used in conjunction with The Cwm.

Whilst objectors have questioned the need for the proposed outbuilding given the availability of other facilities in the area, it is identified that providing the building within the curtilage would help the space to be used throughout the year and would reduce vehicle movements to and from the site, to the benefit of highway safety.

On the basis of the above and subject to conditions the application is considered to be compliant with the LDP policies S16 and MV1.

### 6.2.3 Recreational Spaces

Whilst the proposed outbuilding would be relatively large and would be positioned within the residential curtilage, sufficient amenity space would be retained between the building and dwelling and around the dwelling as a whole to prevent the appearance of overdevelopment.

## **6.3 Productive and Enterprising Places**

### **6.3.1 Economic Development**

Objectors have questioned the economic viability of the development and the benefits it brings to the area. Issues with regards to commercial viability are not a material planning consideration in this instance. It is considered that the retention of the existing business and provision of ancillary space would have a proportionate but beneficial impact in relation to economic investment and development in the area.

### **6.3.2 Tourism**

As specified above, Paragraph 5.5.2 of Planning Policy Wales Identifies that the planning system should encourage tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. This is further reinforced by LDP strategic policies S8 and S10 which encourage the continued development of existing key economic sectors, including tourism and the diversification of the business base and rural economy within Monmouthshire.

It is considered that the regularisation of the use and provision of ancillary facilities would help secure and enhance the enterprise and would offer a form and type of tourism not immediately available in the wider area.

### **6.3.3 The Rural Economy**

In conjunction with policies RE6 and T2, the application is considered to represent a form of rural enterprise that would be operated in a manner complementary to and in keeping with the wider rural economy.

### **6.3.4 Energy**

The existing dwelling is served via main electricity and tanked gas/ oil central heating. It is likely that the proposed unit would be served in a similar manner. Although not indicated on the plans, micro-generation equipment could be installed under Part 40 (domestic) and part 43 (non-domestic) permitted development rights. At this time, it is considered unreasonable to propose the removal of such allowances.

### **6.3.5 Minerals / Waste**

The site is located in a minerals safeguarding area as designated under Policy M2. There is however a need to provide a buffer to protect existing residential dwellings in the locality from the impact of minerals working. As a consequence minerals extraction would not be feasible in this location. It is therefore considered that the development proposed would not sterilise the land beyond the existing buffer zone and the application is compliant with policies S15 and M2 of the LDP.

## **6.4 Distinctive & Natural Places**

### **6.4.1 Landscape/ Visual Impact**

As the main dwelling is existing it already has a visual impact forming part of the established landscape. As no alterations are proposed to the dwelling, it is considered that regularising the use would not have an impact on the character and appearance of the area.

Although the proposed outbuilding is large and would be visible from the lane, it would be largely screened in the wider landscape by its position on the valley floor, the topography that falls down towards the development and the extensive native deciduous woodland on the slopes to the west and east. Although located approximately 65m away from the host dwelling, given the size of the curtilage the proposal would read as an ancillary structure positioned within the established and maintained residential curtilage.



Although concerns regarding visual impact are acknowledged these would mostly be limited to the lane users, adjacent to the site. On balance it is considered that the development as whole would not cause a significant visual intrusion; an adverse change in the character of the built or natural landscape; would be sensitively and sympathetically sited within the landscape; would not introduce or lead to an intensified level of use that would be incompatible with its surroundings. The application is therefore considered compliant with the requirements of policies LC1, LC5 and DES1 of the LDP.

#### 6.4.2 Green Infrastructure

The site of the proposed outbuilding forms part of the existing residential curtilage, which was cleared and levelled in 2018. Although the land to the east of the site forms part of the Coombe Valley Woods SSSI which is also protected by a Tree preservation Order, no further green infrastructure would be lost as a result of the proposal.

#### 6.4.3 Biodiversity

As specified above, the application site is located to the west of a SSSI known as Coombe Valley Woods. A phase one survey submitted in support of the application concludes that the site of the development has negligible ecological value with the site of highest ecological value being the brook to the east. The report does identify that the development does have the potential to impact bats and otters and recommends a number of mitigation measures to include the incorporation of bat boxes into the design; good building practices to be adopted during the construction phase such as covering of all deep holes and trenches overnight and / or the provision of planked escape routes; any liquids held on-site should be stored in a secure lock-up; invert coils being incorporated into the shrub beds to increase the prospects of invertebrate biodiversity and to improve habitats for small mammals, hedgehogs, etc., and the provision of hay bales along the edge of the surface works adjacent to the culverted brook to prevent spillage, runoff and increased siltation of the watercourse. This report could form one of the approved documents for any development of the site.

Natural Resources Wales (NRW) responded to the consultation stating that the adjacent Coombe Valley Woods SSSI is notified for its ancient semi-natural high forest and old coppice with standards that contain important examples of calcareous woodland types with a diversity of canopy trees. NRW raised significant concerns that the development would damage these special features of the SSSI and recommended that planning permission was only granted with an appropriate condition to avoid damage to the SSSI. NRW have suggested a condition requiring the submission of a Construction Environmental Management Plan (CEMP). In addition they request a condition controlling lighting externally.

Following review of the application, the Council's Ecology Officer raised no objection agreeing the proposed conditions including a CEMP, prevention of vegetation removal during bird nesting season, lighting conditions and details of biodiversity net gain to be submitted and approved in writing.

On the basis of the above and subject to the imposition of conditions, the application is considered compliant with LDP policies S13 and NE1.

#### 6.4.4 Flooding

The application site is located within a C2 flood zone. As the application specifies that the outbuilding would only be used for ancillary purposes to the business, with no residential accommodation included, the proposal has been categorised by NRW as less vulnerable development. Following the submission and review of an initial and subsequent Flood Consequences Assessment which included modelling data, NRW have raised no objection to the proposal noting:

"The revised FCA, prepared by PHG Consulting Engineers, Revision B, project number 1991, dated 14 September 2020, proposes a finished floor level of 45.85m AOD. The predicted flood depth for the 1% CCA with blockage event is 45.82m AOD, therefore the development is predicted to be flood free during this event and is compliant with A1.14 of TAN15.

In terms of A1.15 criteria, during the 0.1% flood event, the maximum flood depths to the building are predicted to be 450mm. This meets the criteria of A1.15 guidance. The FCA has proposed the management of flood risk by recommending the provision of an evacuation plan.

We consider the FCA has demonstrated the risks and consequences of flooding can be managed to an acceptable level, subject to the imposition of conditions”.

In line with the tests provided as part of TAN15 it is considered that the proposal will contribute to employment objectives to sustain an existing region; it concurs with the aims of PPW and meets the definition of previously developed land and the potential consequences of a flood event for the particular type of development have been considered. In terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

In light of the documents submitted and consultation response received the application is considered compliant with LDP policies S12 and SD3.

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

The application indicates that foul water would be disposed of to the Castroggi Brook via a new package treatment plant. The site is located within The Great Spring Source Protection Zone (SPZ). SPZs are designated by Natural Resources Wales to identify those areas close to drinking water sources that are at highest risk of contamination. Whilst the regulation of the foul water disposal systems is dealt with via legislation outside of planning control, an informative note regarding the need to apply for an environmental permit from NRW could be imposed on any grant of consent.

As of 7th January 2020, all new developments within a constructional area in excess of 100 sq.m are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) independently of the planning application.

On the basis of the above and subject to the imposition of advisory notes, the application is considered compliant with LDP policies S12 and SD4.

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

Following consultation Caerwent Community Council have recommended the application be approved. Whilst letters of objection have been received from six households, the matters raised have been addressed above.

### **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**

It is considered that the regularisation of the use of the dwelling to provide serviced accommodation is considered compliant with the requirement of LDP policies S11 and T2. Although the proposed outbuilding, which is to be used to provide ancillary space and facilities to the existing dwelling and enterprise is fairly large, on balance it is considered that the proposed building would be of a scale and design, ancillary, proportionate and subservient to the existing dwelling and wider landholding. Although the development would be visible from the lane adjacent to the site, the development would not be so visible in the overall landscape to be considered detrimental to the overall character, appearance or use of the wider area. It is also considered that the development proposed would

not have a detrimental impact on highway safety and subject to conditions the development would not have a detrimental impact on the biodiversity and ecology value of the application site or wider area and would not cause or exacerbate the risk of flooding in the wider area.

On the basis of the above, the application is considered compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval 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 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

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

4 The building hereby approved shall only be used in conjunction with the dwelling known as The Cwm, outlined in red on the on the approved site location plan. The building shall only be used in conjunction with the Cwm and maintained as such in perpetuity. The buildings shall not be separated from each other.

REASON: The out building is only reasonably necessary relative to the use of Ty Mawr as a business premise. Severing the buildings would result in unjustified development in the open countryside to the detriment of the character and appearance of the area. In compliance with LDP policies S10, S13 RE6, LC1 and EP1.

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

- o Risk assessment of potentially damaging construction activities.
- o Identification of "protection zones".
- o Construction methods: details of materials, how waste generated will be managed.
- o General site management: details of the construction programme, including timetable, details of site clearance, details of site construction drainage containment, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- o Control of nuisances: details of restrictions to be applied during construction, including timing, duration and frequency of works; measures to control light spill and conservation of dark skies.
- o Resource management: details of waste generation and its management; details of water consumptions and wastewater use.

- o Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- o Biodiversity management: species and habitats protection, avoidance and mitigation measures.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

REASON: To safeguard the interest of the Combe Valley Woods SSSI and associated Ancient Woodland, and species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and in compliance with LDP policies S13, NE1 and EP2.

6 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird and dormouse nesting and bat roosting provision, identifying location, positioning and specification. 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 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

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

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.

8 No removal of vegetation such as hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, 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 should 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) and in compliance with LDP policy NE1.

## **INFORMATIVES**

1 We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon otters . Please note that the granting of planning permission does not negate the need to obtain a licence.

2 Prior to the installation and operation of a private sewerage system, an environmental permit must be gained from Natural Resources Wales. Further information is available via: <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/register-your-septic-tank-or-small-sewage-treatment-plant/?lang=en>

3 As of 7th January 2020, all new developments within a constructional area in excess of 100 sq.m are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. Further information is guidance is available via: <https://www.monmouthshire.gov.uk/sab/>

E-mail us: [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk)

For advice regarding the application process and general enquiries - 01633 644708

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

4 The Ancient Woodland Inventory identifies woodlands that have existed since at least 1600. Studies show that woodlands that have had a continuous woodland canopy are typically more ecologically diverse and of a higher nature conservation value than more recent woods or those where woodland cover has been intermittent.

Woodlands provide habitat, food and shelter for protected and priority species, including dormice, badgers, bats (including tree roosts and/or foraging habitats) and birds (including species listed on Schedule 1 of the Wildlife and Countryside Act 1981). Woodlands also perform regulatory services such as acting as a sink for carbon sequestration and naturally retaining water in the landscape. The retention and enhancement of these functions is essential to maintain ecosystem resilience.

5 Bats- Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately (0300 065 3000).

Reptiles - Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during the course of the works, all works should cease and an appropriately experienced ecologist must be contacted immediately.

Great Crested Newt - Please note that Great Crested Newts are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual newts from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If great crested newts are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

Hazel Dormouse - Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

Nesting birds- Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

Otter - Please note that otters are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

Hedgehog- Please note that the hedgehog is protected under schedule 6 of the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to kill or capture wild hedgehogs, with certain methods listed. They are also listed under the Wild Mammals Protection Act (1996), which prohibits cruel treatment of hedgehogs.

The Hedgehog is a Priority Species under Section 7 of the Environment (Wales) Act 2016 identified as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The hedgehog has also recently been listed on the IUCN red list as vulnerable (2020).