

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

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

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

**Applicant:** Mr S Watkins

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

## **RECOMMENDATION: APPROVE**

Case Officer: Mr David Wong  
Date Valid: 29.05.2019

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

### **1.0 APPLICATION DETAILS**

#### **1.1 The Proposal**

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

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

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

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

#### **Strategic Policies**

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

#### **Development Management Policies**

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

#### **Supplementary Planning Guidance**

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

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

### **4.0 NATIONAL PLANNING POLICY**

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

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

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

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

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

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

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

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

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

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

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

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

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

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

Ramblers Association - No response to date.

The Open Space Society - No response to date.

## 5.2 Neighbour Notification

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

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

## 6.0 EVALUATION

### 6.1 Principle of Development

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

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

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

- Provision of a Forest Nursery; and
- Tourist accommodation

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

#### 6.1.4 Provision of a Forest Nursery

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

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

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

#### 6.1.6 Tourism accommodation in Open Countryside

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

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

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

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

## 6.2 Sustainability

6.2.1 The proposal comprises two key elements and they are:

- Provision of a Forest Nursery; and
- Tourist accommodation

These will be addressed in turn.

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

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

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

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

#### 6.2.3 Tourism accommodation in Open Countryside

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

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

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

## **6.3 Landscape**

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

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

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

## **6.5 Historic Environment**

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

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

## **6.6 Biodiversity**

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

## **6.7 Impact on Amenity**

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

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

## **6.8 Highways**

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

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

## **6.9 Flooding**

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

## **6.10 Foul Drainage**

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

6.12.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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.

## **6.13 Conclusion**

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

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

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

## **7.0 RECOMMENDATION: APPROVE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 All planting, seeding or turfing comprised in the approved details of landscaping on the plan entitled "Planting Plan and management plan by Catherine Etchell Associates dated July 2021 dwg ref. 487.01 rev.E shall be carried out in the first planting and seeding season following the date of this permission and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

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

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

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

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

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

## **INFORMATIVES**

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

2 The applicant's attention is also drawn to:

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

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

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

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

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

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