

**Application Number:** DM/2019/00184

**Proposal:** Proposed Log Pod and composting toilet on stone base for tourism purposes, existing off street car parking and turning area to be surfaced in rolled stone, translocation of hedgerow to improve visibility to existing access

**Address:** Old Park Cottage, Gethley Road, Parkhouse, Trellech

**Applicant:** Mr. David Powell

**Plans:** All Proposed Plans LogPod001 - Rev A, Site Plan - (showing new hedgerow), Location Plan - , Floor Plans - Proposed LogPod002 - Rev A, Drainage Composting Toilet Specification - KL1 Kazuba, Ecology Report Ecological and Protected Species Report Update' report by Swift Ecology, dated 20th January 2022 - , Ecology Report Appendix 3 - Hedgerow Removal Method Statement' of 'Ecological and Protected Species Report Update - Swift Ecology 20.01.2022, All Drawings/Plans Mitigation and Enhancement Plan dated 28/02/2022 - , Ecology Report Appendix 4 - Hedgerow Planting Scheme 'Ecological and Protected Species Report Update' Swift Ecology - dated 20th January 2022

**RECOMMENDATION: Approve**

Case Officer: Mr. Philip Thomas  
Date Valid: 18.02.2019

**This application is presented to Planning Committee following referral from the Delegation Panel - meeting dated 22nd April 2022**

**1.0 APPLICATION DETAILS**

1.1 Site Description

The application for a tourism holiday pod, proposes a small camping pod that measures 2.8m in height, 2.7m width by 4.85m length; 1m is made up of an open fronted covered porch and its internal floor area is 3.85m long.

There would be double doors to the front and a small window to the rear. The pod is curved in design with a covered open-fronted area to the front of the pod, the proposed finish of the pod and toilet hut is sawn timber.

Accommodation would be minimal showing a double bed with little remaining space. A proposed compost toilet is accommodated in a separate pod of the same design but significantly smaller measuring 1.43m depth and 1.28 in width, height is 2.25m finished in birch plywood walls The proposed waterless toilet is designed to dehydrate and evaporate human waste, reducing up to 90% of waste.

The application site is long and narrow, the length of the site runs adjacent to the highway that is bounded by a mature hedgerow.

The only neighbouring property is Old Park Cottage which is situated opposite the access to the site, the site plan shows that the proposed pod and toilet is to be situated towards the northern part of the site adjacent to the existing open fronted shed. In relation to the neighbouring property whilst the access is broadly opposite the neighbour's access.

It is proposed to upgrade the existing access gate to be set back 2.4m, approximately 50m of hedgerow will be removed comprising two sections either side of the existing access gate, to

create a visibility splay with a grass verge. It is proposed to upgrade the existing off road car parking and turning area to rolled stone to prevent mud on the highway.

The supporting information states that the pod was for the family's own personal enjoyment, as this application originally came in as an amenity pod, but the use of the site as amenity land could not be supported under planning policy; as such, the applicants have amended the proposal to tourism accommodation.

It is proposed that the camping pod will be placed on a levelled stone base and will be sited there all year. The site is surrounded by mature trees to the north, west and south, the east boundary runs adjacent to the highway and is demarcated by a mature hedgerow. It is proposed that this can grow up to the required height to screen the development from the highway.

It is proposed to enhance the site from an ecological perspective with two Schwegler bird boxes (of differing hole size specification) and two bat boxes are installed on trees within the site boundary.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00184	Proposed Log Pod and composting toilet on stone base for tourism purposes, existing off street car parking and turning area to be surfaced in rolled stone, translocation of hedgerow to improve visibility to existing access	Pending Determination	
DM/2020/00311	Amenity use for leisure and recreational purposes.	Pending Consideration	
DC/2013/00762	Proposed single storey rear extension	Approved	05.11.2013

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S11 LDP Visitor Economy

### **Development Management Policies**

LC1 LDP New Built Development in the Open Countryside  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
NE1 LDP Nature Conservation and Development  
LC4 LDP Wye Valley AONB  
GI1 LDP Green Infrastructure

### **Supplementary Planning Guidance**

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

## **Planning Policy Wales (PPW) Edition 11**

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

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

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

#### **Trellech United Community Council:** Refuse

Although original application was for 'private use', the re-submission also mentions tourism. It does not comply with policy T2 on visitor accommodation outside settlements. Does not comply with policy LC1 on new built development in the open countryside. 'Moving' a mature hedge would not be an easy task. The hedge would be unlikely to survive, especially since the owner does not live on site.

#### **Tintern Community Council:** No objection

#### **MCC Biodiversity:** no objection subject to conditions

An updated Preliminary Ecological Appraisal has been submitted in the form of a letter report by Swift Ecology (dated 20th January 2022).

The report concludes that habitats at the site are broadly unchanged from when the site was previously surveyed in 2018. The only major change to the proposals involves the planting of a new species-rich hedgerow in lieu of translocating the original species-poor hedgerow, which should enhance the site over the long-term but could have negative short-term impacts on dormice and nesting birds.

#### **Hazel Dormice**

Approximately 50m of hedgerow will be removed in order to create a visibility splay. Previous proposals included translocating the existing hedgerow and therefore impacts upon dormice were considered negligible. However, with the removal of the existing eastern hedgerow, impacts on dormice have been reconsidered. The updated ecological appraisal found that the eastern hedgerow is subjected to regular management, presumably due to its proximity to the road, and consequently there are fewer foraging and nesting opportunities. Comparatively, the western boundary hedgerow is left unmanaged. The report concludes that it is unlikely that the site would support a viable population of hazel dormice and use is likely to be limited to dispersing individuals.

The north-south connectivity is also maintained through the retention of the western hedgerow. It is agreed that potential impacts to dormice are considered to be low. However, the precautionary measures detailed in Appendix 3, including a pre-works check by an experienced ecologist, must be adopted in full in order to minimise the risk. Mitigation in the form of species-rich hedgerow planting is considered appropriate and is likely to provide enhancement for dormice and other species if managed sensitively. Appendix 4 of the update ecological appraisal provides a suitable plan for future hedgerow management.

#### **Nesting Birds**

It is considered that the removal of the hedgerow could negatively impact upon nesting birds, which are protected under the Wildlife & Countryside Act 1981 from destruction or disturbance. The updated ecological appraisal report recommends work is undertaken outside of the nesting bird season (March to August) or, if this is not possible, a check should be undertaken by an experienced ornithologist prior to the commencement of works. Lighting Dormice and bats are nocturnal and therefore susceptible to changes in any artificial lighting. The site lies within the Corse Sustenance Zone (CSZ) of a lesser horseshoe bat roost. However, the habitat on site is considered to be of low foraging value and any use of the site likely to be for occasional commuting purposes.

Nevertheless, any additional external lighting should be minimised to protect commuting routes, in particular the boundary hedgerows. Biodiversity Net Benefit Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The Dear CPO letter from Welsh Government dated 23/10/2019 makes it clear that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

The PEA report recommends that two Schwegler bird boxes (of differing hole size specification) and two bat boxes are installed on trees within the site boundary. This is considered an appropriate level of enhancement for a development of this scale. Details on installation of the boxes are provided in Appendix 5 of the Update Ecological and Protected Species Report.

Details of ecological enhancement has been submitted and is acceptable, compliance condition is recommended.

#### **MCC Environmental Health: No objection**

Having reviewed the above application, whilst some noise from raised voices, smoke and odour from cooking activities and occasional odour from toilet composting resulting from the use of the pod may be discernible at the nearest residential property from time to time I am not in a position to substantiate a level of problems on which to base an objection.

If the development is granted permission and the use of the pod is extended beyond an ancillary use by the family and used for holiday purposes a licence under the Caravan Site Control of Development Act 1960 for the holiday use will be required. The applicant should contact the Environmental Health Department to acquire the licence in such circumstances.

#### **MCC Highways: No objection**

The highway authority has reviewed the additional details submitted in support of the application, particularly the Site Plan. The highway authority offered no objection to the proposal previously and the highway authority re-affirm their position and welcome the improvements proposed to the existing means of access, namely the provision of a turning area, a permeable rolled stone access, entrance gates set back 2.4 m from the carriageway edge and the improved visibility splays.

### 5.2 Neighbour Notification

Three representations have been received the date objecting to the proposal, the comments are summarised below:

- Affect local ecology
- Close to adjoining properties

- Conflict with local plan
- Out of keeping with character of area
- Random development in open countryside in the AONB. The designation of the AONB is intended to prevent this type of development.
- The timber pod would be clearly visible from the public highway.
- The site is small and very narrow and the pod would be over-bearing and out of place in the rural setting.
- The design of these pods is not like any other local structures.
- The priority is the protection, conservation, and enhancement of the county's landscape. However, the log pod would be a visual intrusion and thereby harm the visual quality of the landscape. The log pod and its use would cause a significant detrimental change to the natural landscape and would in no way work to protect or enhance the landscape.
- In planning terms it is likely that this type of wooden camping pod would be defined as a caravan. Under the Caravans Act the owners or any future owner may have the right to substitute this pod with a full size static caravan 20metres x 6.8metres and over 3m high without any further planning permission being necessary.
- No mention is made of toilet facilities in the application.
- It would be very difficult to control the use of the pod with regard to overnight occupation
- The applicant and the agent both stressed that the pod was strictly for personal use only at that time. The applicants letter in 2020 again claims that use will be personal even saying that he 'would understand any objection if our proposal was to utilise the site as a commercial concern with third parties coming and going'. The current application August 2021 is for exactly that tourism use.

Concern regarding the removal of a considerable length of the eastern hedgerow to enable the entrance gate to be moved back and to create a grass verge to improve visibility.

The Ecological Appraisal submitted with the earlier application recommends that no trees or hedges are to be removed or altered.

It states that the hedges are the most important habitat on site because of their connections to other ecologically valuable habitats. The eastern hedgerow is intact and is species rich.

The EA concludes with a recommendation that a hedgerow management plan must be created and implemented to maintain the hedgerows

Contrary to Nature Conservation and Development section of the LDP it is stated that development proposals are only permitted where "the need for the development clearly outweighs the nature conservation of the site." The proposal for the log pod clearly does not satisfy these criteria because there is no pressing need for a log pod on this site. The damage to the hedgerow caused by the proposed translocation is just one example of nature conservation being overlooked.

In addition, the LDP also features a section on Visitor Accommodation Outside Settlements which states that "outside town and village development boundaries, the provision of self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings." The proposal does not satisfy these criteria because there are no existing buildings on the site.

A final point in relation to the LDP is its section on Amenity and Environmental Protection which states that development should have regard to the privacy, amenity, and health of occupiers of neighbouring properties. The site in question is directly across a narrow lane from my home and no other buildings are in close proximity. The log pod would create many adverse impacts on us as close neighbours. For example, the use of the log pod cannot be satisfactorily supervised; there would be no way of controlling how many people are staying in the log pod. Additionally, accommodation of this nature usually leads to the visitors being outside the log pod for much of the time, such as for cooking and socialising.

This increases the adverse impacts on us, including noise, waste, and light pollution. The applicants letter itself submitted with the original application accepts there are "potential adverse impacts associated with different users and/or increasing intensity of use..."

The Ecological Appraisal with the original application states "no hedgerow or trees are to be removed or altered." So, translocation of a large proportion of hedgerow is clearly not permissible. However, there is currently not adequate sight for vehicles to enter and exit the site safely. Therefore, this is a danger to vehicles using the narrow lane and, in fact, was the basis for a refusal for a previous application in 2009 for placement of a caravan upon the site.

There is also the likelihood of visitors parking along the narrow lane. Although one parking space is provided within the plans, there may often be more than one vehicle at the site. This would necessitate parking in the lane. Finally, if the access to the gateway is difficult to use, visitors will be inclined to park along the lane instead for ease of use.

The proposal to translocate the hedgerows includes widening the grass verge/bank alongside the lane. This would lead to visitors parking along the grass verge.

The safety of vehicles using the lane would be compromised. The sight line and safe accessibility for use of our driveway would also be adversely impacted by cars parked along the grass verge.

So Highway and Community Safety Issues provide compelling reasons to refuse this application.

The original application led to concerns about the land use classification of the site. This is also an ongoing concern. The land use classification is not appropriate for this proposal for a tourism site.

Comments given in original representation by neighbour are below:

I am writing to object to the application to place a log pod on the piece of land directly opposite my property.

I live very close to the site. The area, in an AONB, is very quiet and peaceful and the lane alongside the proposed site is also quiet with very little traffic.

The piece of land to site the pod is narrow and so the log pod would fill a large section across it.

So this means the pod would be very near the road and the hedgerow. As such the hedgerow is not sufficient to screen it or absorb any of the noise created by the use of the pod. In addition, the small size of the land would not allow for sufficient noise dissipation before it reaches our property.

The large size and scale of the pod makes it overbearing in relation to the size and shape of the land and its appearance would have an adverse visual impact on us and the immediate area.

Another concern is the lack of control of usage of the pod as it would be available for use 24/7.

There could be noise and disturbance at any time of day or night.

I would also question the categorisation of the land as "amenity land". I would have thought of amenity land as more of a garden attached to a property for leisure purposes or a public open space for community use. This is just a piece of natural scrub and woodland. As I understand it, the land was sold to the current owner by Gwent Wildlife Trust as an area to be conservationally managed to preserve its natural state, not to be used as a camping site.

### 5.3 Other Representations

No comments received to date

### 5.4 Local Member Representations

No comments received to date

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

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

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 National planning policy on tourism is set out in Planning Policy Wales (PPW, Edition 11) and reflects the Welsh Government's aim to encourage tourism to grow in a sustainable way and make an increasing contribution to the economic, social and environmental well-being of Wales. It provides for the planning system to encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and local communities.

6.1.2 The vital role of tourism to the Monmouthshire economy is reflected in the LDP policy framework which seeks to support and enable sustainable forms of tourism development while at the same time ensuring that the natural and built environment, key drivers of the visitor economy, are preserved and enhanced. Strategic Policy S11 - Visitor Economy - specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire.

6.1.3 In recent years new forms of visitor accommodation known as 'glamping' (i.e. glamorous camping) have emerged and are becoming increasingly popular with the staying visitor market. These forms of accommodation are a relatively recent innovation and are not defined in legislation and not explicitly referred to in current LDP policies. Accordingly, there was a need to clarify how such proposals should be assessed against the existing LDP policy framework and therefore the Council adopted Supplementary Planning Guidance (SPG) to inform this in November 2017. This application is a re-used wooden camping pod for tourism accommodation, which is considered to be in the category of sustainable visitor accommodation.

6.1.4 The SPG informs that the Council seeks to support and adopt a positive approach to sustainable forms of visitor accommodation. This is reflected in the LDP policy framework which is supportive of such proposals providing that this is not at the expense of the natural and built environment, which in themselves are key drivers of the County's visitor economy. Appropriate proposals will be those which are considered to accord with principles of sustainable tourism set out in paragraph 3.3.

6.1.5 The SPG states that sustainable tourism accommodation (glamping) proposals should reflect the following key principles of sustainable tourism:

- (a) Generate benefits for the local economy (residents and visitors)
- (b) Protect and enhance landscape character and natural/historic environment
- (c) Scale and design appropriate to site context
- (d) Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique)
- (e) Generate minimal car trips
- (f) Make use of renewable energy resources (energy efficient)
- (g) Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure)

6.1.6 The above criteria are assessed in relation to this development in turn:

(a) Benefits for the local economy - The proposed camping pod will provide tourist accommodation that will bring visitors to the area which will in turn benefit the local economy.

(b) Protect and enhance landscape character - The proposed camping pod will be sited on a narrow stretch field accessed directly from the highway, the existing access broadly opposite the access that serves the dwellinghouse, Old Park Cottage. The proposed pod will be located towards the northern part of the site away from the improved access and potential viewpoints through and will be screened from the wider area by the existing boundary hedge. It is proposed that the hedge is maintained at 2.4m in height to soften the presence of the pods; this would help to reduce the presence of the proposal in the wider landscape.

(c) Scale and Design appropriate to site context - The scale of this camping pod and toilet pod is very modest; it is considered that the proposed structures would be well screened by the 2.4m high hedge. In addition, the design of this camping pod is visually acceptable and would conform to the ethos of the sustainable tourism accommodation SPG in Monmouthshire.

(d) Locally adapted - The proposed pod is low key by reason of its very modest size, and design and use of natural finishing materials; this provides the basic low-key accommodation.

(e) Generate minimal car trips - The type and size of this proposal will not be likely to generate a significant number of vehicular trips in and out of the site. There is an existing public footpath within close proximity that is linked to the wider footpath network.

(f) Make use of renewable energy resources (energy efficient) - The pod is a re-used gifted pod that is being put to beneficial use, finished in sawn timber.

(g) Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure) - Additional infrastructure will be minimal, the only additional ancillary building is the toilet pod. Both pods are not permanent and therefore when the use ceases the landscape can return to its former state.

6.1.7 In all cases, the use of such visitor accommodation for permanent residential occupancy will not be acceptable as all accommodation must remain for the intended tourism purpose only so that the wider economic benefits are secured. As such a condition limiting occupation to no more than 28 days at a time should be added to any consent.

### 6.2.1 Good Design

6.2.1 The scale of this camping pod is very modest, the majority of it will be screened by the hedgerow, although its height at 2.8m finished in sawn timber will be partly visible above the hedgerow. The proposed pod is proportionate in scale to the application site, it is both modest in scale and sensitively designed so its curved wooden structure blends into the backdrop of mature trees that surround the site to the north, west and south.

In addition, the proposal will benefit from a hedge of 2.4m high fronting the site to minimise its presence on the wider landscape in accordance with Policy DES1 of the LDP. A condition will be imposed to ensure that the hedge at the site is at least 2.4m in height and it shall remain as such in perpetuity.

### 6.3 Residential Amenity

There is only one neighbouring property that is potentially affected by this proposal. The proposed pod is situated approximately 42m to the closest point of the neighbouring dwelling.

The neighbouring property directly overlooks the south part of the application site and acute angled viewpoints can be achieved of the proposed pods to the north. The pod is modest with limited floorspace, accommodating a double bed and storage of ancillary items and this in itself will control the visitor numbers that will use this pod, as the space and accommodation is very limited. It is likely that visitors to the site will therefore spend time outside of this pod and consideration needs to be given to the potential disturbance that arises from smells of cooking and noise from visitors to this property. However, by reason of the separating distance and intervening highway and hedgerow, this will mitigate any potential overlooking problems. In addition, the siting of the proposed pods are to the north of the site and while close to boundary of the neighbouring property the more commonly used part of the curtilage is to the south of the neighbouring dwelling. Noises and potential disturbance would be concentrated towards this part of the site away from the more actively used part of the neighbouring property. As part of the hedgerow is being removed and replanted around the access, this will open up the site for a period; it is considered that the expected time for this hedgerow to mature to provide an effective screen will be approximately two years if they follow the proposed method statement. During this time part of the site will remain exposed and partly visible from the highway. However, the pod will still be situated behind the hedgerow that is remaining in situ, and given its separating distance and intervening features, namely the highway and neighbouring hedgerows/foilage, this is considered to provide the required mitigation for this proposal to not have a significant adverse impact upon the neighbouring property during the time it takes for the new hedgerow to become established.

Given the above, no significant impact of this kind is anticipated, respecting Policy EP1 of the LDP.

MCC Environmental Health have reviewed the application and state that whilst some noise from raised voices, smoke and odour from cooking activities and occasional odour from toilet composting resulting from the use of the pod may be discernible at the nearest residential property from time to time, this would not substantiate a level of problem on which to base an objection.

### 6.4 Highway Implications

6.4.1 It is considered that the type and size of this proposal is not likely to generate a significant number of vehicular trips in and out of the site. The proposal is to utilise the existing vehicular access to the site to serve the holiday let. However, to improve the visibility splay for the users of the proposal and the existing users of the lane, the hedgerows are being altered to provide the visibility splays required. The Council's Highways Department has been reconsulted

and there is no highway concern to this element of change. Therefore, there is no objection to this element and application is in accordance with Policy MV1 of the LDP.

## 6.5 Landscape

The application site is in the Wye Valley AONB. The requirement of this policy is that within the Wye Valley AONB, any development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area.

There are several criteria that is prescribed within this policy to which regard must be given. The proposed camping pod and toilet pod are small in scale and situated within a site enclosed by hedgerows and trees. The proposed new hedgerows will result in a short-term change with the removal of two sections of hedgerow, although once established the replacement by this managed species rich hedgerow will enhance the landscape as well as deliver ecological enhancement. Furthermore, it is conditioned that the hedgerow along the eastern boundary, including the replacement hedgerow, is to be managed to grow to a height of 2.4m, providing an effective natural screen that will minimise the landscape impact of the pods and any associated paraphernalia. There is a lighting condition proposed to be imposed that seeks to control any light spill and pollution resulting from this proposal. The proposal is compliant with LDP policies S13, LC1 and LC4 in this case

## 6.6 Biodiversity

This application has been supported by an updated Preliminary Ecological Appraisal (PEA - dated 20th January 2022). It is proposed that approximately 50m of hedgerow is to be removed in order to create a visibility splay (previous proposals included translocating the existing hedgerow and therefore impacts upon dormice were considered negligible). However, with the removal of the existing eastern hedgerow, impacts on dormice have been reconsidered. The updated ecological appraisal found that the eastern hedgerow is subjected to regular management with fewer foraging and nesting opportunities. Comparatively, the western boundary hedgerow is left unmanaged. The report concludes that it is unlikely that the site would support a viable population of hazel dormice and use is likely to be limited to dispersing individuals.

The report concludes that habitats at the site are broadly unchanged from when the site was previously surveyed in 2018. The only major ecological issue involves the planting of a new species-rich hedgerow in lieu of translocating the original species-poor hedgerow, which should enhance the site over the long-term but could have negative short-term impacts on dormice and nesting birds.

However, the precautionary measures detailed in Appendix 3, including a pre-works check by an experienced ecologist, must be adopted in full to minimise the risk. Mitigation in the form of species-rich hedgerow planting is considered appropriate and is likely to provide enhancement for dormice and other species if managed sensitively. The updated ecological appraisal provides a suitable plan for future hedgerow management. A condition controlling the method of hedgerow removal and hedgerow planting in accordance with the statement submitted is recommended accordingly.

The updated ecological appraisal report recommends work is undertaken outside of the nesting bird season (March to August) or, if this is not possible, a check should be undertaken by an experienced ornithologist prior to the commencement of works.

Nevertheless, any additional external lighting should be minimised to protect commuting routes, in particular the boundary hedgerows, a condition is proposed accordingly.

Biodiversity Net Benefit - Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The PEA report recommends that two Schwegler bird boxes (of differing hole size specification) and two bat boxes are installed on trees within the site boundary. This is considered an appropriate level of enhancement for a development of this scale. Details on installation of the boxes are provided in Appendix 5 of the Update Ecological and Protected

Species Report. MCC Ecology are satisfied that the details of ecological enhancement are acceptable and a compliance condition is recommended accordingly.

## **6.7 Impact on Amenity**

A waterless toilet is proposed, the design and specification of which has been provided. The toilet is accommodated in a smaller pod of a similar design to the camping pod. It is situated immediately adjacent to the camping pod at a significant distance from the neighbouring dwelling. The modest scale of the proposal (and likely low use of this toilet) coupled with the separating distance and method of waste disposal, is unlikely to result in unpleasant odours that can significantly impact local amenity or residential amenity in this case.

## **6.8 Foul Drainage**

Foul Drainage is via a waterless composting toilet; the specification provided with the proposal details the measures proposed to eliminate odours. As it is waterless and outside a phosphate sensitive area, there are no further considerations to be made on this matter other than that which is considered as part of the impact on amenity which is addressed in paragraph 6.7 above.

## **6.9 Tourism**

The SPG states that sustainable tourism accommodation (glamping) proposals should reflect key principles of sustainable tourism, this is addressed specifically in Para 6.1 above. The scheme does deliver a low-key sustainable form of tourism that meets the key principle of sustainable tourism accommodation (glamping) proposals and complies with Policy of S11 of the LDP that specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire.

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

6.10.1 The issues raised by Trellech Community Council and neighbouring properties are as follows:

- Not compliant with LDP Policy T2 on visitor accommodation outside settlements. This is addressed under para 6.1 'Principle of Development'.
- Not compliant with Policy LC1 on new built development in the open countryside. 'Moving' a mature hedge would not be an easy task. The hedge would be unlikely to survive, especially since the owner does not live on site.

This is addressed under para 6.5 'Landscape Impact and Para 6.6 'Biodiversity'.

- Affect local ecology

This is addressed under para 6.6 'Biodiversity'.

- Conflict with local plan

This is addressed under para 6.1 'Principle of Development' and all other paragraphs covering landscape, ecology neighbour impact and tourism.

- Out of keeping with character of area

This is addressed under para 6.2.1 'Good design' and para 6.5 'Landscape'; it is low key modest tourism development finished in natural materials with no wider impact.

- Random development in open countryside in the AONB. The designation of the AONB is intended to prevent this type of development. The priority is the protection, conservation, and enhancement of the county's landscape. However, the log pod would be a visual intrusion and thereby harm the visual quality of the landscape. The timber pod would be clearly visible from the public highway.

This is addressed under para 6.5 'Landscape'.

- In planning terms, it is likely that this type of wooden camping pod would be defined as a caravan. Under the Caravans Act the owners or any future owner may have the right to substitute this pod with a full size static caravan 20metres x 6.8metres and over 3m high without any further planning permission being necessary.

This is an application for a tourism pod, not a caravan, a totally different development. No mention is made of toilet facilities in the application.

Detailed specification has been provided of a waterless compost toilet. This is addressed under para 6.3 'Residential Amenity', par. 6.7 and 6.8 'Foul Drainage'.

-It would be very difficult to control the use of the pod with regard to overnight occupation.

Standard conditions that are applied to such tourism accommodation relating to length of stay can be imposed.

- Concern regarding the removal of a considerable length of the eastern hedgerow to enable the entrance gate to be moved back and to create a grass verge to improve visibility. The Ecological Appraisal submitted with the earlier application recommends that no trees or hedges are to be removed or altered. Contrary to policy, LDP states that development proposals are only permitted where "the need for the development clearly outweighs the nature conservation of the site." The proposal for the log pod clearly does not satisfy these criteria because there is no pressing need for a log pod on this site. Damage to the hedgerow caused by the proposed translocation is just one example of nature conservation being overlooked

This is addressed under para 6.6 'Ecology'.

- Development should have regard to the privacy, amenity, and health of occupiers of neighbouring properties. The site in question is directly across a narrow lane from my home and no other buildings are in close proximity. The log pod would create many adverse impacts on us as close neighbours. For example, the use of the log pod cannot be satisfactorily supervised; there would be no way of controlling how many people are staying in the log pod. Additionally, accommodation of this nature usually leads to the visitors being outside the log pod for much of the time, such as for cooking and socialising.

This increases the adverse impacts on us, including noise, waste, and light pollution. The piece of land to site the pod is narrow and so the log pod would fill a large section across it. So this means the pod would be very near the road and the hedgerow. As such the hedgerow is not sufficient to screen it or absorb any of the noise created by the use of the pod. In addition, the small size of the land would not allow for sufficient noise dissipation before it reaches our property.

Another concern is the lack of control of usage of the pod as it would be available for use 24/7. There could be noise and disturbance at any time of day or night.

This is addressed under paras 6.3 'Residential Amenity' and 6.7 'Impact on Amenity'.

- The proposal to translocate the hedgerows includes widening the grass verge/bank alongside the lane. This would lead to visitors parking along the grass verge. The safety of vehicles using the lane would be compromised. The sight line and safe accessibility for use of our driveway would also be adversely impacted by cars parked along the grass verge.

There is sufficient off road car parking space provided within the site to accommodate the requirements of this scale of proposal. It is highly unlikely that such a development will lead to parking on the verge. MCC Highways are satisfied with the proposal. the highway implications are addressed under Para 6.4.

- The original application was for 'private use' - the re-submission also mentions tourism. Question the categorisation of the land as "amenity land". I would have thought of amenity land as more of a garden attached to a property for leisure purposes or a public open space for community use. This is just a piece of natural scrub and woodland. The land was sold to the current owner by Gwent Wildlife Trust as an area to be managed carefully having regards to nature conservation, to preserve its natural state, not to be used as a camping site.

The original application was submitted as an amenity pod to be used for the private purposes of the applicant's family; this could not be supported under planning policy and the development proposal was changed to a tourism camping pod. This application is considered under relevant

policy that applies to a tourism pod. This is not an application for an amenity pod but a tourism camping pod, amenity land is no longer an issue to be considered as part of this application.

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

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

## **6.7 Conclusion**

6.7.1 The proposed scheme delivers a low-key sustainable form of tourism that meets the key principle of sustainable tourism accommodation (glamping) proposals and complies with Policy of S11 of the LDP that specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire. The proposed scheme is very modest, the majority of it will be screened by the hedgerow, its height at 2.8m finished in sawn timber will be partly visible above the hedgerow. The proposed pod is proportionate in scale to the application site, it is both modest in scale and sensitively designed so its curved wooden structure blends into the backdrop of mature trees that surround the site to the north, west and south. Conditions are proposed that secure landscape and ecological enhancement, whilst the impact upon the neighbouring dwelling is mitigated to a satisfactory level by the scale and position of the pod and further conditions controlling the use of site and securing the method of hedgerow removal, planting and subsequent height retention at 2.4m. The proposal is recommended for approval with 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 All hedgerow removal shall be carried out in strict accordance with 'Appendix 3 - Hedgerow Removal Method Statement' of the approved 'Ecological and Protected Species Report Update' report by Swift Ecology, dated 20th January 2022.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1 Mitigation & Enhancement Plan

4 The Mitigation and Enhancement Plan dated 28/02/2022 shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the Local Planning Authority no more than three months later than the first beneficial use of the pod.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

5 The development 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.

6 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.

7 No hedgerow removal 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 work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under the Wildlife and Countryside Act 1981 (as amended)

8 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 site until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

9 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 buildings 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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

10 All hedgerow planting shall be carried out in strict accordance with 'Appendix 4 - Hedgerow Planting Scheme' of the approved 'Ecological and Protected Species Report Update' report by Swift Ecology, dated 20th January 2022.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1 Mitigation & Enhancement Plan

11 The boundary hedge of the site that runs adjacent to the highway shall be maintained at a minimum height of 2.4m measured from the ground and it shall remain in place for as long as the camping pod is on site.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with policies S13, S17LC1, LC4, EP1 and DES1.