

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 26 June 2023

Notice of meeting:

## Planning Committee

Tuesday, 4th July, 2023 at 2.00 pm

The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2021/02070 - Reserved Matters consent pursuant to the approval of outline planning permission ref: DM/2018/00769 for Outline development of up to 45 dwellings. Land at Chepstow Road, Raglan.	15 - 32
4.2.	Application DM/2022/00473 - Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place. Pentecostal Church, Monnow Street, Monmouth, NP25 3EQ.	33 - 48
4.3.	Application DM/2022/01376 - Conversion of the former convent building into 4no. self-contained apartments (C3 Class). 151 Park Crescent, Abergavenny, Monmouthshire NP7 5TN.	49 - 58
4.4.	Application DM/2023/00302 - Conversion of garage and linking to main residence to form additional accommodation. 75 St Lawrence Park, Chepstow, NP16 6DQ.	59 - 66
4.5.	Application DM/2023/00550 - Retention of and completion of proposed first floor rear extension. Celebration Cottage, Candwr Road, Ponthir, Monmouthshire, NP181HU.	67 - 76

<b>5.</b>	<b>FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:</b>	
<b>5.1.</b>	<b>Vern Cottage, 16 Castle Parade, Usk.</b>	<b>77 - 80</b>

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

### THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

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

:

## Public Information

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

### Access to paper copies of agendas and reports

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

### Watch this meeting online

This meeting may be viewed online by visiting the link below.

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

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

### Welsh Language

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

# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

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

## Our Values

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

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

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

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

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

## **Purpose**

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

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

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

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

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

## **Decision-making**

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

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

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

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

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

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

## Planning policy context

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

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

### Policy EP1 - Amenity and Environmental Protection

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

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

### Policy DES1 – General Design Considerations

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

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

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

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

#### Supplementary Planning Guidance (SPG):

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

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

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

### National Planning Policy

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

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

### **Other matters**

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

#### Planning (Wales) Act 2015

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

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



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

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

#### Environmental Impact Assessment Regulations 2016

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

#### Conservation of Species & Habitat Regulations 2010

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

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

#### Well-being of Future Generations (Wales) Act 2015

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

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

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

A number of sustainable development principles are also set out:

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

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

#### Crime and Disorder Act 1998

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

#### Equality Act 2010

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

#### Children and Families (Wales) Measure

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

#### Climate Emergency

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

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

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

## **Protocol on Public Speaking at Planning Committee**

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

### Who Can Speak

#### Community and Town Councils

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

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

Not to introduce information that is not:

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

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

#### Members of the Public

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

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

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

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

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

## Applicants

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

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

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

### Content of the Speeches

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

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

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

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

## Procedure at the Planning Committee Meeting

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

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

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

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





# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Tuesday, 6th June, 2023 at 2.00 pm**

**PRESENT:** County Councillor Phil Murphy (Chairman)  
County Councillor Dale Rooke (Vice Chairman)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,  
John Crook, Tony Easson, Steven Garratt, Meirion Howells,  
Jayne McKenna, Maureen Powell and Ann Webb

County Councillors: Martyn Groucutt and Ian Chandler attended the  
meeting by invitation of the Chair

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Place-making, Housing, Highways and Flood
Philip Thomas	Development Services Manager
Amy Longford	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Anthony Davies	Specialist Environmental Health Officer
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

County Councillor Tony Easson left the meeting and returned to the meeting during consideration of application DM/2021/00622. He therefore abstained from voting in respect of this application.

County Councillor John Crook left the meeting following determination of application DM/2022/01826 and did not return.

### **APOLOGIES:**

County Councillors: Ben Callard, Su McConnel and Sue Riley

#### **1. Election of Chair**

We elected County Councillor P. Murphy as Chair.

#### **2. Appointment of Vice-Chair**

We appointed County Councillor D. Rooke as Vice-Chair.

#### **3. Declarations of Interest**

None received.

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Tuesday, 6th June, 2023 at 2.00 pm**

#### **4. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 2<sup>nd</sup> May 2023 were confirmed and signed by the Chair.

#### **5. Application DM/2021/00528 - Proposed residential development of 2no. detached dwellings with private on-site parking. Holly Bush, Vinegar Hill, Undy, Monmouthshire**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to a S106 Legal Agreement.

The local Member for Magor East with Undy, also a Planning Committee Member, outlined the following points:

- The application is for two properties but has poor access onto Vinegar Hill.
- The application has an officer recommendation for approval as it has a lower vehicle movement, and this is the main reason for the change of policy for the Highway approval.
- The junction of the B4245 at Vinegar Hill is signposted unsuitable for Heavy Goods Vehicles (HGVs).
- There are no footways for children to walk safely along this route.
- There is no access to residential developments. There are several issues that need to be addressed via conditions before this application is considered for approval.
- Details of the Sustainable Drainage System (SuDS) plan are not available.
- The access requires a wider splay and vegetation needs to be cut back on the owner's property and on the County Council owned hedgerow.
- The local Member expressed concern that children have to access this narrow road with no footway when walking to school. Additional vehicles and HGVs delivering to this site would exacerbate the situation. The current splay is not suitable to accommodate large vehicles.
- The local Member stated that he could not support this application due to the issues outlined in respect of the splay and access onto the road.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm**

In response, the Highway Development Manager informed the Committee:

- The application was originally for four dwellings accommodating four vehicles which was considered to be inappropriate for the site. However, two dwellings accommodating two vehicles with the existing dwelling is capable of accommodating the access movement to and from this development with the impact on Vinegar Hill being considerably less.
- Pedestrians in this area currently live with a considerable development already in existence. It was considered that two additional dwellings would not cause any material harm to the safety of highway users.
- A Construction Traffic Management Plan (CTMP) has been requested via Planning conditions. It will be for the builder to submit this plan to the Authority for approval.
- Large vehicles are able to access Vinegar Hill. If they cannot access a particular development, then they would be required to size their vehicles accordingly. This would be addressed via the CTMP for this development.

The Development Management Area Team Manager informed the Committee:

- An additional condition would be required to include a Construction Traffic Management Plan (CTMP) should the Committee consider approving the application.
- The SuDS application would be considered via a separate application.

The Head of Placemaking, Housing, Highways and Flood read out a statement to the Committee from the applicant's agent:

- The application was submitted in March 2021 and was originally for the construction of four dwellings. The proposal received a number of objections and in discussions with Planning and Highways officers it had been agreed to reduce the number of houses to two.
- Overlooking concerns are being addressed by ensuring that the development will not overlook adjacent properties.
- It is proposed that existing hedgerow and planting be kept and to further screen the developments. Any defective boundary fences owned by the applicant will be replaced or repaired on a like for like basis.
- The existing driveway is to be altered to improve manoeuvrability within the site and the proposed alterations are being discussed and agreed with the Highways Department.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm**

- Electrical Charging points will be provided for each dwelling.
- Extensive ecological tree surveys have been undertaken with existing hedgerows and planting to remain to the side and rear boundaries.
- Highway concerns are acknowledged and being dealt with.
- The existing access from Vinegar Hill is acceptable and the entrance is only 160 metres from the B4245.
- There is good forward visibility with at least 10 passing places where pedestrians can stand off the highway.
- Traffic speeds are suppressed along Vinegar Hill due to the natural alignments and width of the roads.
- The existing access into the site has been used for at least 25 years and the Highway Authority has confirmed that it will not be detrimental to highway safety.
- The site lies within the Magor and Undy development boundary and provides a well-considered and sustainable development.
- The drainage proposals for foul and surface water have been accepted in principle and a separate Sustainable Drainage Approval Body (SAB) application will be submitted.
- The site layout addresses concerns raised by neighbours and is supported by Planning Officers.
- The street view from Vinegar Hill will remain unchanged as the new dwellings will be screened by existing topography.
- The applicant has provided an extensive amount of information to support the proposed scheme and asked the Committee to consider approval of the application.

Having considered the report of the application and the views expressed, the following information was noted:

- In response to a question raised, it was noted that the existing public right of way is located along Badgers Walk. There is no current public right of way that runs through the site. The existing public right of way would not be affected by the proposed development.

It was proposed by County Councillor M. Powell and seconded by County Councillor J. Butler that application DM/2021/00528 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added to include a Construction Traffic Management Plan (CTMP).

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm

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

For approval	-	9
Against approval	-	1
Abstentions	-	3

The proposition was carried.

We resolved that application DM/2021/00528 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added to include a Construction Traffic Management Plan (CTMP).

#### **6. Application DM/2023/00592 - Erection of 1 x 2-bedroom detached dwelling, Pathways, Vinegar Hill, Undy, Caldicot**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to a S106 Legal Agreement.

This application is a duplicate of application DM/2022/01193 which was refused due to concerns over highway safety. The decision was subsequently appealed, and the application was considered by the Planning and Environment Decisions Wales (PEDW). The appeal was dismissed on the 18<sup>th</sup> April 2023. The Inspector considered the reason for refusal, highway safety, and concluded that while that issue would not have warranted refusal of permission, "the harm and policy conflict associated with the absence of a completed legal agreement to secure affordable housing provision" was sufficient reason to dismiss the appeal.

The local Member for Magor East with Undy, also a Planning Committee Member, expressed concern that the Planning Inspector had not been provided with the adopted Highway Design Standard Policy due to an oversight with the Local Planning Department. It was considered that if the Planning Inspector had received this information, then he would have been able to make a better assessment of the safety issues relating to the highway in respect of this application. It would have given more weight to local residents' case.

In response, the Head of Placemaking, Housing, Highways and Flooding informed the Committee:

- It was an oversight that the adopted Highway Design Standard Policy had not been provided to the Planning Inspector. However, it was noted that this document has never been requested by an Inspector. Significant advice had been provided to the Inspector by Highways Officers, as well as providing him with access to the Planning Committee's minutes and the recording of the Planning Committee meeting. The Inspector would have also undertaken a site inspection.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm**

- It was noted that the Inspector could request additional information during his proceedings but had not done so on this occasion.
- The guidance referred to is not Monmouthshire County Council Supplementary Planning Guidance (SPG) but is used by all authorities across Wales.

Mrs. S. Lloyd, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- This application is the third attempt to add another house onto the Green Infrastructure (GI) approved under a previous application on the wider site. That application originally included this third house but was removed due to overdevelopment concerns.
- The objector considered that this was gross abuse of the planning system and if approved will set an unacceptable precedent to developers that they can overcome over development concerns by putting green infrastructure on sites getting them approved then applying separately to build on that GI.
- The north elevation windows look directly onto a 2.5 metre retaining wall.
- The south elevation contains only two slit windows.
- The house is only 15 metres from the rear habitable rooms of Walnut House but due to the steep site the floor level is four metres higher and the ridge height 10 metres higher. It will have a grossly overbearing effect on the amenity of Walnut House.
- The garden has limited usable space mainly taken up by rain gardens and conifer trees. This was considered not to be place making.
- The access to the site narrows to only 2.8 metres bounded by high walls. The onsite road reduces to only 2 metres. There is a tight line bend at the entrance to the site with an unprotected drop of 2.5 metres.
- No Swept Path Analysis has been conducted and larger vehicles cannot negotiate the bend.
- Construction supplies are to be brought into the site by tractor and trailer which will be off loaded outside the property Firbank causing a risk to their safety.
- The Fire Authority has not undertaken a site visit and there are no footpaths in the area.
- The appeal Inspector concludes that the proposal does not give rise to the harmful effects on highway safety. It is unclear why the inspector states that it is acceptable for pedestrians with young children or wheelchair users to seek

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm

refuge on the steeply sloping rain gardens and small grass verges, with the swale on one side and a steep drop on the other side.

- There are no verges on the approach to the site.
- The local Planning Authority's reason for refusal on highways grounds was that it was non-compliant with Policy MV1 which states that development will not be permitted that fails to provide a safe and easy access for road users and that development will be expected to satisfy the adopted highway design guide.
- The local Planning Authority did not provide the Inspector with the adopted Highway Design Standard Policy; therefore, he was unable to support that statement. Also, the Inspector did not receive any information regarding the retaining wall.
- This site has major issues that have never been addressed. The objector asked the Committee not to compound these issues by approving another house on this unsuitable site.
- The application was considered to contribute to overdevelopment of the site, it has an overbearing effect on Walnut House and has an unsafe road. Concern was expressed that a fatal road traffic accident could occur at this location.
- It was considered that the application does not comply with many local and national policies.
- It was considered that there has been a catalogue of inadequacies. The original application was approved without a site visit from the Highways Authority or the Planning Committee. The objector stated that the reason provided was due to time and cost.
- The refusal notice for the first drop-in application was issued under delegated powers even though the ward member had requested that the matter be considered at Planning Committee. It was considered that this was a process breach and was unlawful.
- The appeal Inspector was not provided with the adopted Highways Design guidance to assess compliance of Policy MV1 due to an oversight. It was considered that it was unlikely that the Inspector would have supported the right of the local Planning Authority to use its own adoptive standards to assess compliance against its Local Development Plan (LDP) policies and upheld the refusal.
- The objector considered that the Local Planning Authority was confused as to what its adopted Highway design guide is. It was considered that the Local Planning Authority does not understand the fair dealing clause in copyright law resulting in the objector's objection to the application not being published on the planning portal for nine days.

## MONMOUTHSHIRE COUNTY COUNCIL

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm**

- Not all Planning Committee members attend site visits. Only half of the Committee attended the site visit for this application. It was considered that the Local Government Association states that a Member can only take part in the debate and voting if they have also attended the site visit so that all Members have access to all information to determine an application fairly.

In response, the Head of Placemaking, Housing, Highways and Flooding informed the Committee:

- There is no guidance that states Planning Committee Members are required to attend a site visit before they can vote on an application. Monmouthshire County Council holds a site visit for every planning application considered by Committee. However, most local authorities undertake site visits on request.
- The initial application had been determined in the correct manner.

The Development Services Manager informed the Committee:

- There should not be any overlooking onto Walnut House from windows due to the orientation of the proposed new dwelling away from Walnut House.
- There is also sufficient distance between the proposed new dwelling and Walnut House. There is in the region of 20 metres between the main elevations of each property and it is off set. There is also vegetation at the rear which will grow to add further screening. The lack of windows in this elevation would mean that any potential relationship between the two properties could be managed.
- The two proposed properties are fair and reasonable dwellings and the landscaping proposed has exceeded the Green Infrastructure requirements to serve these plots.

The applicant did not wish to exercise their right of reply.

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

- The impact of the development on Vinegar Hill will have no material effect on the road. The road safety issues raised go beyond this application which needs to be considered from a road safety / active travel aspect. This matter needs to be discussed separately from this application.
- Traffic vehicle movements can be complex and generally relate to large developments whereby National Guidance is used to assess trip movements. This data gives an indication of the number of movements likely to be generated. The South East Wales model also identifies traffic movements and where and when the peak movements are likely to be. With regard to this application, additional vehicle movements are likely to be relatively few.



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm

- With regard to the potential for vehicles dropping onto the property it was noted that there is a retaining wall to be built between the driveway and the new property. However, the road is relatively narrow so vehicles are likely to be travelling at no more than 20mph so should be able to avoid driving over the sloping ground. A private drive will be constructed to facilitate access for the private dwellings. It is the responsibility for all users to ensure that they drive to the appropriate environment.
- An additional condition could be added requiring boundary treatments with a view to containing the slope.

The local Member summed up as follows:

- The access is too narrow to allow the delivery of materials for the proposed development.
- A heavy goods vehicle would be unable to make deliveries via the narrow entrance.
- The narrow entrance needs to be improved along Vinegar Hill, going forward.
- The local Members for this area receive the concerns of local residents regarding road safety issues on a daily basis.
- The safety of children travelling to school along this route is paramount. Therefore, the local Member would not be able to support this application.

The Head of Placemaking, Housing, Highways and Flooding informed the Committee that the Traffic and Road Safety Team was looking at this area in terms of the potential for providing a weight or width limit along this route which would limit certain vehicles travelling through this area. However, access to properties for such vehicles would still be permitted. Residents access only could also be looked at by the Traffic and Road Safety Team.

It was proposed by County Councillor J. Butler and seconded by County Councillor M. Powell that application DM/2023/00592 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added requiring boundary treatments with a view to containing the slope.

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

For approval	-	8
Against approval	-	4
Abstentions	-	1

The proposition was carried.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm

We resolved that application DM/2023/00592 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added requiring boundary treatments with a view to containing the slope.

#### **7. Application DM/2021/00622 - Retention of the 4 small fans and removal and replacement of the 6 larger fans. Atherstone, B4347 Turners Wood To Porthygaelod Farm, St Maughan's, Monmouthshire, NP25 5QF**

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

The local Member for Llantilio Crossenny attended the meeting by invitation of the Chair and outlined the following points on behalf of local residents who are affected by the application:

- Local residents are not objecting to the revised application as long as the result is a reduction in noise from the fans.
- Local residents had expressed concern that the report of the application did not express the extent to what they have endured for the last five years whereby the noise has been a 24-hour problem that ebbs and flows throughout the day.
- However, they welcome the measures being put in place to ameliorate the problem but consider this application to not be a perfect solution for them. Even with the replacement fans, residents will still be disturbed at various times throughout the day.
- Enjoyment of their property will not return to how it was before 2018.
- If planning permission is granted, residents are keen for checks to be made by appropriate professionals to ensure that the equipment, as specified in the application, is installed.
- In terms of the follow up noise verification checks outlined in the report of the application, residents would like to be given notice of when the noise assessments at their properties are to be undertaken. As the degree of noise disturbance is greatly influenced by the weather, residents asked that those checks be undertaken in appropriate weather conditions and on different days to provide certainty that the stated noise reduction has been achieved.
- The noise is worse on a warm dry day with a southerly wind. Residents are likely to be outside and have windows open on these days.
- The fans were introduced in 2018 as this was the best available technique. However, it was also because of the increasing numbers of birds that were being held in the poultry shed. Residents are concerned that the stocking levels have not been addressed.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm

The Specialist Environmental Health Officer responded as follows:

- With regard to the first assessment undertaken having regard to British Standard methods provided the levels of noise that would be predicted at nearby premises. Queries raised at this stage were answered.
- The main reason why the acoustic housing was not progressed was due to ventilation issues.
- The subsequent application report provided is a better option and anticipated to produce a lower level of noise by using a six bladed fan instead of a three bladed fan. It is anticipated that this type of fan will eliminate the pulse currently generated from the existing fan.
- A decibel chart was provided to illustrate noise levels. When the 12 gable end fans are in use, the noise at the nearest noise sensitive property will be 30 decibels. There will be times when the background levels will drop to 25 decibels. Therefore, the Environmental Health Department is not in a position to object to the application.
- Guidance on sound insulation and noise reduction for buildings looks at the impact internally.
- Appropriate conditions have been suggested.

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

- The earth bund has been removed which may have been suppressing the noise from the fans. Discussions have been held with the applicant and the noise consultant and if needed the bund will be reinstated.

The local Member summed up as follows:

- Condition 3(A) refers to noise monitoring and residents would like this to be undertaken when the noise levels are at their worst.
- Condition 3(B) is not considered to be an adequate mitigation if the fans don't reduce the noise levels.

The Development Services Manager informed the Committee that verification of noise levels will be undertaken in consultation with local residents as access to their properties will be required before monitoring can take place. Monitoring will be undertaken when Environmental Health Officers deem this appropriate.

It was proposed by County Councillor F. Bromfield and seconded by County Councillor M. Powell that application DM/2021/00622 be approved subject to the conditions outlined in the report.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm

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

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2021/00622 be approved subject to the conditions outlined in the report.

#### **8. Application DM/2022/01826 - Retention and completion of domestic garage. 60 Old Barn Way, Abergavenny, NP7 6EA**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and that an additional condition be added that the scheme be completed in accordance with approved drawings within six months from the date of the permission.

It was noted that this latest application proposes a reduction in the ridge height by 0.763m which is now 0.5m higher than the originally approved scheme in 2019.

The local Member for Lansdown attended the meeting by invitation of the Chair and outlined the following points on behalf of local objectors to the application:

- The application had previously been refused by the Planning Committee and the local Member quoted the reasons for refusal, namely, the garage has a large footprint that was considered to be too large.
- The reasons that were formerly given for refusal for the previous application related to its unacceptable scale and mass. The proposal had failed to respect the existing form, scale, massing and layout of its setting and is contrary to the Local Development Plan.
- The local Member quoted from the report of the Inspector. Even with a reduction in height it would continue to be an imposing and visually dominant building out of keeping with the character and appearance of the area. Concerns have been raised by neighbouring residents that the garage has an overbearing impact on their properties and negatively impacts on their living conditions.
- From the rear facing garden and views from the rear facing 58 Old Barn Way, the outlook would be dominated by a mass of built form. The development is inappropriate to its context.
- The applicant has added a new document to the Planning Portal which states that the footprint has substantially been reduced. From the original permission granted in 2019, with the substantial cladding being added, the footprint has not reduced but has grown substantially to the point where the building cannot be

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 6th June, 2023 at 2.00 pm

completed correctly. It was considered that there would be insufficient room to complete the soakaways and guttering.

- The building is out of scale and dominates the surrounding area and is out of context with its neighbourhood. No other building nearby is higher than 2.4 metres.

In response the Development Services Manager informed the Committee:

- The building is 0.4 metres wider than the original approval.
- A garage with the same width could be built under permitted development rights.
- The length of the building remains the same as originally proposed.

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

- Some Members expressed concern regarding the over dominance of the proposed additional 0.5 metre ridge height and considered that the ridge height of 4 metres, outlined in the original plan, would be more appropriate. The building was considered to be out of character with the street scene.
- The Committee was asked to focus on the impacts of the building and whether the 4.5m proposed ridge height would be acceptable or not.
- Reducing the ridge height might mean that the roof needs to be rebuilt with different roofing materials required to cope with a shallower pitch.
- The soakaway requirements would be addressed via building regulations.

It was proposed by County Councillor D. Rooke and seconded by County Councillor M. Howells that application DM/2022/01826 be approved subject to the conditions outlined in the report and that an additional condition be added that the scheme be completed in accordance with approved drawings within six months from the date of the permission.

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

For approval	-	7
Against approval	-	3
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2022/01826 be approved subject to the conditions outlined in the report and that an additional condition be added that the scheme be completed in accordance with approved drawings within six months from the date of the permission.

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Tuesday, 6th June, 2023 at 2.00 pm

### **9. Application DM/2023/00391 - Proposed building associated with existing agricultural land use. Agricultural Outbuilding, Llandenny Walks Road, Llandenny, Monmouthshire**

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

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

- The internal flooring will be the choice of the applicant.
- A condition is outlined in the report of the application restricting the building to storage use only.
- The building will be sustainable using locally sourced materials where possible.
- Enforcement officers can check that the condition regarding use of the building is being complied with.

It was proposed by County Councillor J. Butler and seconded by County Councillor E. Bryn that application DM/2023/00391 be approved subject to the conditions outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/00391 be approved subject to the conditions outlined in the report.

### **10. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:**

#### **10.1. Land at Chepstow RFC, Burnt Barn Road, Bulwark, Chepstow**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Chepstow RFC, Burnt Barn Road, Bulwark, Chepstow on 16<sup>th</sup> May 2023.

We noted that the appeal had been dismissed.

**The meeting ended at 4.30 pm.**

**Application Number:** DM/2021/02070

**Proposal:** Reserved Matters consent pursuant to the approval of outline planning permission ref: DM/2018/00769 for Outline development of up to 45 dwellings

**Address:** Land at Chepstow Road, Raglan

**Applicant:** Butler Wall Homes c/o Asbri Planning

**Plans:** Other ARBORICULTURAL REPORT - , Landscaping Plan 18-09-101 - , Site Plan ESP 01 - , Garage Plans G01 - , Garage Plans G02 - , Garage Plans G03 - , Garage Plans G04 - , Garage Plans G05 - , Garage Plans G06 - , Garage Plans G07 - , Garage Plans G08 - , Garage Plans G09 - , Garage Plans G10 - , Location Plan LP01 - , Floor Plans - Proposed P31 01 - , Floor Plans - Proposed P31 02 - , Floor Plans - Proposed P31 03 - , Proposed Roof Plan P31 04 - , Elevations - Proposed P31 05 - , Elevations - Proposed P31 06 - , Other P31 07 - BIKE/BIN STORES, Floor Plans - Proposed PL01 01 - , Elevations - Proposed PL01 02 - , Floor Plans - Proposed PL02 01 - , Elevations - Proposed PL02 02 - , Elevations - Proposed PL03 02 - , Floor Plans - Proposed PL05 01 - , Elevations - Proposed PL05 02 - , Floor Plans - Proposed PL06 01 - , Elevations - Proposed PL06 02 - , Elevations - Proposed PL06 03 - , Floor Plans - Proposed PL12 01 - , Elevations - Proposed PL12 02 - , Floor Plans - Proposed PL14 01 - , Elevations - Proposed PL14 02 - , Floor Plans - Proposed PL15 01 - , Elevations - Proposed PL15 02 - , Floor Plans - Proposed PL16 01 - , Elevations - Proposed PL16 02 - , Floor Plans - Proposed PL17 01 - , Elevations - Proposed PL17 02 - , Floor Plans - Proposed PL18 01 - , Elevations - Proposed PL18 02 - , Elevations - Proposed PL19 02 - , Floor Plans - Proposed PL20 01 - , Elevations - Proposed PL20 02 - , Elevations - Proposed PL22 02 - , Floor Plans - Proposed PL21 01 - , Elevations - Proposed PL21 02 - , Floor Plans - Proposed PL22 01 - , Floor Plans - Proposed PL23 01 - , Elevations - Proposed PL23 02 - , Elevations - Proposed PL24 02 - , Floor Plans - Proposed PL25 01 - , Elevations - Proposed PL25 02 - , Floor Plans - Proposed PL27 01 - , Elevations - Proposed PL27 02 - , Floor Plans - Proposed PL29 01 - , Elevations - Proposed PL29 02 - , Site Plan PSP01 - Rev B, Site Sections PSP02 - , Ecology Report EEP01 - Rev A, All Drawings/Plans PSR01 - Rev B, All Drawings/Plans PV01 - Rev B,

**RECOMMENDATION: Approve subject to final confirmation from NRW that the development would not have an adverse impact on water quality within the River Usk catchment.**

Case Officer: Ms Kate Bingham  
Date Valid: 23.12.2021

**This application is presented to Planning Committee as five or more objections have been received**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

1.1 This is an application for Reserved Matters following outline consent for up to 45 dwellings in Raglan. The site is allocated for residential development under Policy SAH10(iii) (Rural Secondary Settlements) in the Adopted Local Development Plan (LDP).

1.2 The application site extends to 2.18 hectares (5.4 acres) and currently comprises a greenfield site. The northern boundary of the site is formed by some mature trees, the southern by the Nant y Wilcae, the western edge by back gardens of the adjoining properties along Fayre Oaks and The Willows, and the eastern boundary by hedges, a property known as Brooklands Lodge and Chepstow Road.

1.3 There are no listed buildings on, or immediately adjacent to the site. The centre of the village is designated as a conservation area and is also home to a number of listed buildings including the Grade II\* listed St Cadoc's Church. Raglan Castle, which is Grade I listed (and its grounds designated as an historic park and garden) is also located approximately 1.2km to the north.

1.4 The proposed development site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). A similar extent of flood risk is also shown on the Flood Map for Planning, falling into Flood Zone 2 and 3 (Rivers). It should be noted that the southern section of the site which is at risk of fluvial flooding will be public open space.

1.5 The application site is also within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC). On the 21 January 2021, Natural Resources Wales (NRW) published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, NRW issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

## 1.2 Proposed Development

As aforementioned, the site benefits from outline planning consent for the development of 45 dwellings with all matters reserved, (ref: DM/2018/00769). The following key principles were established at outline stage;

- o There is a requirement for 35% of the dwellings to be affordable;
- o Part of the site (approximately 0.9ha) is located within Zone C2 floodplain; these areas will not be developed for a residential use and will instead be utilised as public open space;
- o The illustrative masterplan shows public open space to the north and southern ends of the site and a tree lined primary central road running through the middle;
- o A footpath link to/from the existing housing to the east, the public open space and the village facilities such as the doctors and the school are also shown
- o The final mix of housing and the height of any dwellings will be determined at Reserved Matters stage.
- o The development will feature typically two storey dwellings but with some single storey and 2.5 storey homes in order to add variety and interest.
- o The development will be designed to reflect and complement the wider context of the village in terms of its overall architectural style and will look to address the street frontage positively.
- o The final details of access are a reserved matter. It is known at this stage however that access will be taken from Chepstow Road and an indicative internal road layout has been provided.
- o Parking requirements will be provided 'on-plot', in private garages and shared parking areas and will meet Monmouthshire's Parking Standards (one space per bedroom up to a maximum of three with dimensions of 4.8m x 2.4m).
- o Landscaping details will also be considered at reserved matters stage which will include potential tree and hedge planting for screening between the existing and proposed developments.
- o The connection to the existing footpath between the side/rear of a property on Fayre Oaks and the rear gardens of The Willows is welcomed as it will benefit the wider community.
- o The site is a sensitive one and is identified by LANDMAP as of high and outstanding value for its visual and sensory, historical and cultural aspects. Historically the top half of the site would



have formed part of the extended parkland to the Castle, today it forms the southern entrance and exit into the village and is therefore an important and sensitive setting.

- o It is proposed to retain the existing boundary hedgerows and trees.

Prior to submitting this Reserved Matters application, a pre-application submission was made which was accompanied by a site plan, comprising 41 homes. A pre-application meeting was held on the 10 September to discuss the proposal. It was quickly established that a previous version of the scheme, which has been submitted to the LPA informally, was preferred to the one submitted formally at pre-application stage. The previous version comprised fewer units, notably, 35 and this was to the benefit of green infrastructure and placemaking. The Local Planning Authority agreed that the sites inherent constraints meant that a 35 unit scheme could be justified.

A subsequent pre-application meeting took place to discuss the amended scheme. The layout was revised as follows;

Number of units reduced from 41 to 38 for the wider benefit of green infrastructure.

- o Footpath omitted through the Public Open Space at site entrance in favour of a footpath along Chepstow Road.
- o Turning head has been provided on the eastern side of the site, allowing refuse vehicles to manoeuvre near to proposed units 5-12.
- o The number of 5 bed units have been reduced and number of 3 bed market units increased.

The following was also confirmed during pre-application discussions;

- o All strategic landscaping should be within the control of a management company and outside of private ownership. Important features should be kept out of private curtilage.
- o Public Open Space at the site entrance should include edible trees/orchard.
- o Where hedges are part of private curtilage a condition should be used to ensure boundary hedges are retained in perpetuity.
- o A lighting scheme will also be required to prevent inappropriate lighting of ecological features.
- o The application must be supported by an Ecological Impact Assessment Report (EciAR) produced by a suitably experienced ecologist.
- o A guide to the amount of GI required, notably the amount of green infrastructure is calculated as a minimum of 36.31 metres square (m<sup>2</sup>), per person or 90.77m<sup>2</sup> per dwelling assuming 2.5 persons per dwelling of which a target of 10m<sup>2</sup> per dwelling to be allocated for tree planting where considered appropriate to address MCC's Climate Emergency Action Plan target. This is a minimum allocation which may be increased to reflect individual site assessment of GI assets and opportunities. Note this excludes Open Space and Recreation, Suds and Community Food Growing/Allotments.
- o The requirement for a 4m buffer strip where permanent or semi-permanent structures are erected and meet existing boundaries.
- o Highways requested a footpath along the western carriageway of Chepstow Road, from the existing down to the 30mph sign after Brooklands Lodge.
- o Turning head would be required to serve more than 5 units.
- o No allocated visitor spaces are required if the highways are designed appropriately to accommodate on street parking.

A Section 106 Agreement was entered into as part of the outline application. As such, this reserved matters application needs to provide the following to accord with the terms of that signed agreement:

- o 13 (35%) affordable homes;
- o Footpath link between the site and the existing footway adjacent to 22 Fayre Oaks;
- o Public open space provision;
- o Financial contribution for local recreation / community facilities; and Financial contribution towards improvements to the local bus service.

The key issues for consideration under this Reserved Matters application include the scale, layout, appearance, materials and landscaping.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00769	Outline development of up to 45 dwellings.		27.02.2019
DM/2021/02070	Reserved Matters consent pursuant to the approval of outline planning permission ref: DM/2018/00769 for Outline development of up to 45 dwellings.	Pending Determination	
DM/2022/00350	Discharge of conditions; 3 (Construction Environmental Management Plan), 4 (lighting design strategy for biodiversity), Condition 5 (construction design method statement and risk assessment for the protection of the structural condition of the strategic rising main), condition 6 (drainage strategy), condition 7 (green infrastructure management plan), condition 8 (arboriculturalist appointment) and condition 11 (proposed earthworks) relating to application DM/2018/00769	Pending Determination	
DC/1995/00982	Erection Of Hay Barn & Implement Shed.	Acceptable	15.11.1995

DC/1974/01034	Junior School/Bus Bay	Approved	12.02.1975
DC/1996/00602	Alteration To Cattle Building	Permission Required	11.07.1996
DC/2015/00711	The replacement of existing timber French doors and windows to kitchen area, facing into courtyard area, to aluminium windows and bi-folding doors. Colour scheme to match existing windows and external joinery. (Application numbers DC/2008/00953 / DC/2007/01316).	Approved	11.06.2015
DC/2007/01445	Proposed construction of double garage and store, and timber shelter.	Approved	09.01.2008
DC/1991/00249	1 Single Storey Residential Dwelling.	Refused	03.07.1991

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

#### **Strategic Policies**

SAH10 LDP Rural Secondary Settlements  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP5 LDP Foul Sewage Disposal  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV3 LDP Public Rights of Way  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD3 LDP Flood Risk

#### **Supplementary Planning Guidance**

Monmouthshire Parking Standards (January 2013)

### **4.0 NATIONAL PLANNING POLICY**

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

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

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

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

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

## **Technical Advice Notes**

Technical Advice Note (TAN) 12: Design (March 2016)

## **Welsh Government Circulars**

Welsh Government Drainage Circular 008/2018.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Raglan Community Council** - No comments received to date.

**NRW** - We have no objection to the proposed development as submitted. We note from the covering letter from Asbri Planning dated 20th December 2021 and the Proposed Site Plan that the southern section of the site which is at risk of fluvial flooding will be public open space. As such we have no objection on flood risk grounds.

**Dwr Cymru** - Welsh Water (DCWW) - No objections:

We have been in dialogue with the applicant and their agent which has progressed matters such that a revised layout, drawing ref PSP 01 Rev B has been submitted. This drawing adequately provides for the required easement zones on the two assets crossing the proposed development and we are content to remove the objection.

Notwithstanding the above, if the assets are located contrary to the existing public sewer record and the required protection zones cannot be maintained then we request that the applicant contacts us immediately.

Turning to drainage matters we note the intention to drain foul water to the public sewer and surface water will outfall to the nearby watercourse. We offer no comment on the surface water destination and have no objection in principle for the communication of foul water to the public sewer. The applicant is advised that no connection will be permitted direct to the pressurised rising main which crosses the development site and no adoptable sewers laid and no physical connection to the public sewer made until the relevant approvals have been issued under Section 104/106 of the Water Industry Act 1991.

The review of the Environmental Permit for Raglan WwTW has been completed and the permit will remain as 1mg/l. We can confirm that there is sufficient capacity to accommodate the 45 dwellings proposed.

**MCC Highways** - The highway authority offers no objections to the details submitted in support of the reserved matters application:

The proposed means of access approved pursuant to Outline Application DM/2018/00769 will be subject to the landowner entering into a section 278 agreement of the Highways Act 1980 with the Council. The highway works including access and junction works, associated footways along the site frontage and within the public highway shall be subject to technical approval and implementation in accordance with details to be submitted and approved pursuant to the S278 agreement.

The internal estate roads as detailed in the supporting information submitted in support of the application particularly Drawing No. '9251 PSP01' Site Plan together with the vehicle tracking analysis drawing No. '10112-GRY-01-00-DR-C-SK' internal junction visibility splay drawings and highways Design Technical Note are acceptable, namely; The internal estate road design speed of 20mph or less is accepted, the corresponding horizontal and vertical alignment, turning provision, footway provision promotes and encourages the design speed.

The levels of parking spaces and detached garages indicated are considered acceptable and in accordance with Monmouthshire adopted parking standards and garage standards.

The general arrangement of prospectively adoptable footways is considered acceptable and will provide adequate pedestrian connectivity though the site and to existing pedestrian facilities located on Chepstow Road. The proposal generally accords with the design standards established in the Active Travel Wales Act.

**MCC Biodiversity** - No objections subject to conditions.

**MCC Housing** - The mix proposed is acceptable and meets the policy requirement of 35% affordable. The previous layout proposed 12 units of affordable housing, the additional unit is welcome as there is a high demand for affordable housing in this location, although it is a shame that it has not been possible to deliver the 2 bed bungalow. The affordable homes will need to be designed to WDQR 2021 standards.

**MCC Landscape / GI** - No objections:

The applicant has provided details of both hard and soft landscape which reflect the guidelines as set out in the GI strategy plan 18-10-PL 201 rev A and masterplan plan 1391-p-001.

The applicant has provided an acceptable green corridor link between the public open space (POS) and Fayre Oaks and proposed play area.

Planting Plans sheets 1-3 show the strategic GI, spine road trees and other landscaping that sits outside of private ownership. It is noted that GIMP 18-10-R01 references the RM planting plans and sets out the landscape aftercare programme inclusive of SuDS.

An acceptable integrated SuDS scheme has been incorporated throughout the site. In terms of informal play space provision, the emphasis through discussion has been on the southern area with additional smaller space to the north of the site. Biodiversity enhancements from a landscape perspective as highlighted in the GIMP 18-10-R01 P8 reference provisions for hibernacula and hedgehog access. Further clarity within the CEMP would be welcome.

From a landscape and GI perspective the applicant has provided sufficient information.

**MCC SAB** - From the plans submitted the total construction area is above 100m<sup>2</sup> (building footprint, yard area, hardstanding and parking bays) then SAB approval will be required prior to any works commencing on site.

**SEWBRc Search Results** - No significant ecological record identified.

## 5.2 Neighbour Notification

Representations received from 9 households objecting on the following grounds:

Residential Amenity:

- o Detrimental impact on the property of no36 due to the proximity and nuisance caused by placement of the parking for the proposed development of open market flats adjacent to no36 property along the full length of the existing garden.
- o 24 Fayre Oaks, is on a plot with large trees that over shadow the house on 2 sides blocking light for the majority of the day (the mature oak in close proximity to the front of the house is subject to a TPO which restricts pruning activity). The proposed placement of plot 24's 2.5 storey property (5A) and its detached pitch roof garage will mean that light and privacy will significantly affect light into 24 Fayre Oaks.
- o The current suggested positioning of the '5A' 2.5 storey buildings of proposed Plots 24 and 23, are in close proximity to the adjacent existing dormer bungalows and will create an oppressive and overbearing living environment.
- o All of the dwellings backing onto the existing chalet bungalows in Fayre Oaks have very steep sided tall roof lines and I ask they be lowered to appear less obtrusive and overbearing, shallower roofs are quite feasible and would be more in keeping with all of the existing houses in the area.
- o Loss of landscape view that will arise due to the nature of these developments and their elevation in relation to no36. Views will be impeded.
- o Access for the residents of Fayres Oaks to the hedgerow that forms the boundary of their gardens should be allowed, in order to carry out maintenance to said hedgerows.
- o Boundaries to the proposed houses adjacent to the existing Fayre Oaks properties will need to ensure privacy is maintained as some areas of the existing hedgerow is less than 1 metre high. To counter this, 1800mm timber closed board fencing.
- o Photos taken by local residents show the amount of surface water that has regularly made a section of the Chepstow Road flooded and impassable. A number of cars having been stranded and had to be rescued from the area, following heavy rainfall.
- o

Flooding:

- o The field and adjacent road have historically been and continue to be subject to flooding arising from fluvial pathways as well as roadside runoff; this development proposal is not well suited to this location.
- o This development would place householders new and existing at increased risk of flooding through drainage and fluvial means.
- o Detrimental impact on drainage caused by development of hard standing housing areas.
- o Note that swales and other measures are proposed but these need maintenance to be effective and would not offset the lost drainage field.
- o With one entry and egress point for vehicles from the site, it is not evident that the proposed plan fulfils the above TAN15 requirements, particularly when said entry point onto the Chepstow Road is known to flood.
- o Note with concern that some of the properties are to be raised above existing ground level, thus exacerbating the overbearing aspects of the design, presumably because of the flooding that occurs on a regular basis on this land.
- o Whilst provision has been made for an attenuation pond, it is the experience of residents in Fayre Oaks, that small ponds gather behind and adjacent to the rear of their gardens, at times extending into the gardens themselves, particularly in the area of plots 23 and 24. It is therefore suggested that drainage ditches between the boundaries of properties in The Willows and the new housing be implemented to take surface water away from existing/proposed gardens to the attenuation pond.
- o Surface seepage is very poor and that surface water will take some time to drain.

Visual Impact/Design:

- o The proposed dwellings are not of a design, which is in keeping with the scale, character, or appearance of the area.

- o The report by the specialist stated that no trees or hedgerows were required to be removed yet the site plan, shown on this application show the possibility of a removal of the a section of hedge at my property.
- o The density is overwhelming.
- o The 2.5 storey properties should either be in the centre of the estate or along the boundary of the Chepstow road.
- o Housing built adjacent to the existing properties should be in keeping with existing heights, that is to say either bungalows or 2 storey houses.

#### Access and Traffic:

- o This development will only add further traffic burdens in an area ill equipped to deal with them.
- o Access onto Chepstow Road is a concern due to additional risk of road traffic accidents. Even with current speed restrictions it is a well used road by vehicles and cyclists.
- o It would seem common sense to extend the speed bumps past the proposed site entrance.
- o As a previous housing application in Raglan was turned down due to lack of public transport, why is this application even being considered?
- o Public transport has declined to the point that it is even impossible to commute to Abergavenny for work, First bus from the village is 10am and the last return from Abergavenny is 3.30pm.
- o With the housing proposal including a number of affordable properties for those on lower incomes, it will make transport difficult for those unable to also afford private transport.
- o The bus services to Monmouth and Newport have also been reduced over the last few years.

#### Other:

- o The village has insufficient infrastructure to accommodate additional educational places or employment.
- o This increases carbon footprint loading which is contrary to the local and county planning principles.
- o It is a development that is not required in an area that cannot sustain it economically or environmentally.
- o Raglan residents, particularly those in Fayre Oaks will be aware of the long-standing issues with blockages to the drains and sewerage systems. What provisions/assurances are in place with Welsh Water to ensure the building of additional properties will not exacerbate the situation further.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

No comments received.

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

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

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The settlement of Raglan is identified in Strategic Policy S1 of the LDP as a Rural Secondary Settlement. The site is allocated in Policy SAH10 (iii) of the LDP for around 45 dwellings on a site area of 2.18ha. Due to the constraints of the site and the semi-rural context, it is agreed that a reduction to 38 dwellings is acceptable.

6.1.2 Policy S4 relates to Affordable Housing Provision and states that in Rural Secondary Settlements there is a requirement for 35% of the dwellings to be affordable. The proposal satisfies Policy S4 through the provision of 13 affordable homes (35%).

6.1.3 Policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration. Policy G11 relating to Green Infrastructure and Policy NE1 relating to Nature Conservation and Development are also relevant.

6.1.4 Part of the site (approximately 0.9ha) is located within Zone C2 floodplain, although it is noted that this will not be developed for a residential use and will instead be utilised as public open space. Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are nevertheless of relevance.

6.1.5 Finally, Policy MV1 relating to proposed development and highway considerations is of relevance.

6.1.6 Given the site benefits from an allocation in the LDP and an outline consent, the principle of residential development on the site is acceptable and determination of the application should be focused on the technical details of the scheme having regard to the various policy requirements referred to above.

## **6.2 Good Design / Place Making**

6.2.1 The proposed layout builds on principles established at outline stage. The site layout has been designed, taking into consideration, the site's inherent constraints, which include;

- o 2 drainage easements;
- o The flood zone to the south;
- o 21m separation distances with properties at Fayres Oaks and The willows to the west; and
- o Root protections zone

6.2.2 There are also design guides that need to be complied with internally, including the 21m distance between directly facing habitable room windows, appropriate car parking provision, SuDS features, turning areas and highway design standards.

6.2.3 Proposals comprise the delivery of 38 units, 13 of which will be affordable homes. This meets the Council's Affordable Housing requirement of 35% secured through the outline planning permission. The proposed residential accommodation comprises a mixture of one, two, three, four and five bedroom properties. The schedule of accommodation is as follows:

- o 6 x 1-bed apartments;
- o 4 x 2-bed homes;
- o 8 x 2-bed apartments;
- o 7 x 3-bed homes;
- o 4 x 4-bed homes; and
- o 9 x 5 bed homes.

6.2.4 Of the above, the following have been designed to DQR Standards and will be transferred to a Registered Social Landlord to be affordable tenure:

- o 6 x 1-bed apartments
- o 4 x 2-bed homes
- o 3 x 3-bed homes

6.2.5 The site's net developable area has been calculated at 1.06 Ha; proposals are therefore 38 dwellings per hectare which is considered to be appropriate for this site given its semi-rural context.



6.2.6 Properties have been designed to front the primary access, to create a sense of space and an active street scene. Tandem parking spaces have been provided, where possible to reduce the impact of parked cars and hard standings on the street scene. The development will feature typically two storey dwellings with a small number of 2.5 storey homes.

6.2.7 The southern section of the site, located within Zone C2 floodplain, is proposed as public open space (POS) which aligns with the approved POS strategy. This area will be retained and enhanced; existing trees, hedgerows and grasslands will be retained. An attenuation pond is proposed which will also result in wetland creation and biodiversity enhancements.

6.2.8 The proposed units incorporate traditional design features including pitched roofs with large gables, chimneys, bay windows, dormers and canopies. The finishing materials of the proposed development will comprise of a palette of render, brick, a stone, artificial slate roofs and cast stone heads, gable features, cills and cappings. The palette has been selected to provide a scheme that is in keeping with the local traditional vernacular but also with neighbouring existing development.

6.2.9 All of the properties will benefit from Photovoltaic panels either on the roof of the dwelling, or where not suitable, on the garages. The applicant has also made a commitment that each unit will also be provided with an electric car charging point.

6.2.10 The proposed layout and design of the dwellings is considered to be of an appropriate scale and form for the area and will not therefore adversely affect local visual amenity. The provisions of LDP Policy DES1 are therefore considered to have been met.

### **6.3 Landscape / Green Infrastructure (GI)**

6.3.1 In seeking to achieve a strong GI network, the following opportunities have been identified within the scheme:

- o Creation of Public Open Space to the south of the site with wetland creation and management to be supported as part of the SINC floodplain - incorporation of interpretation, and seating.
- o Street trees along the primary street to be incorporated as part of the visual and ecological connectivity to be set outside of private ownership.
- o Appropriate management of grassland sward for pollinators.
- o A permeable route from the site to connect the proposed play area, exiting the playing fields and any proposed and existing housing on the eastern side of the village.
- o Retention, protection and enhancement of the boundary hedgerows to be set outside of private ownership and incorporation of hedgerow trees to maintain the rural character into and out of Raglan.
- o All existing hedgerows, woodland and parkland character to be protected and reinforced as part of the new development and integrated into accessible green corridors.

6.3.2 The detailed submission shows a 2.5 storey open market apartment block to front the area of POS positioned at the site entrance. This will help to ensure active surveillance of the open space and a strong frontage with Chepstow Road.

6.3.3 A new footpath is proposed along the site frontage to ensure pedestrian connectivity with the residential properties to the north and west and also to village facilities such as the doctors, school, public houses and local shops. A footpath connection has also been provided between units 27 and 28 to provide a link with the Willows. This provides permeability between the two areas and also offers a benefit to existing residents who will be able to easily access the proposed areas of POS within the new site.

6.3.4 Landscaping corridors are proposed along the eastern and western boundaries in the form of hedgerows to ensure screening between the existing and proposed developments but also to provide ecological corridors. These landscape buffers and the overall landscape strategy is one of retention and enhancement. The northern area will provide a SuDs Basin, orchard trees and a wildflower meadow area. The southern area is proposed to provide an open informal recreation

area with parkland planting, informal mown paths, native structure planting, and a further SuDs basin.

6.3.5 A landscape buffer zone has been provided around the site periphery, with the exception of the proposed access point. Gates are proposed to the rear of plots 12, 22, 23, 24 and 30 to provide access to these buffer zones which will be under the maintenance of a management company to ensure their longevity.

6.3.6 In terms of play equipment, there is a move towards more informal 'wild' play and away from fixed Local Areas of Play which are under used and expensive to maintain. It is the intention that all public open space would be adopted by the County Council.

6.3.7 The landscaping strategy submitted to accompany the application details the retention of existing GI Green Infrastructure, and substantial additional planting of native trees/shrubs and hedgerows. In accordance with the outline consent, public open space POS is proposed on the northern and southern ends of the site connected via a tree lined avenue running along the primary central road.

6.3.8 In taking into consideration the approved outline layout and the detailed plans, it is considered that the proposed development will provide enhancement of the existing landscape features and also create new areas of POS and new planting to the benefit of the local community. As such it is considered that the development accords with the provisions of LDP Policies LC1, LC5 and G11.

## **6.4 Biodiversity**

6.4.1 The application site comprises of open pasture land, and as such an ecological survey and subsequent survey for Otters, Bats and white-clawed Crayfish was submitted to accompany the outline application. The surveys made the following recommendations;

- o No hedgerows must be removed as part of this proposal. Where hedgerows are to be removed, these must be replanted or additional planting carried out elsewhere in the first available growing season.
- o A dark corridor including a buffer zone must be created along the Nant y Wilcae. Such a measure is facilitated by the requirements of flood zone management. The buffer zone must include the stream, the bank, the tree line and at least 5m of grassland habitat.
- o Night-time lighting of the site must be directed away from the stream corridor, to avoid disturbance of wildlife.

6.4.2 The submitted Biodiversity Construction Environmental Management Plan (CEMP) addresses previous concerns and provides details of good working practices throughout construction regarding protected species, particularly otter, dormouse, badger and reptiles. Measures to avoid impacts on the specific species above will also be sufficient to avoid harm to other species such as great crested newt, hedgehogs and other priority mammal species. The biodiversity CEMP also proposes a suitable sensitive lighting scheme to minimise impacts on protected and priority species throughout the site.

6.4.2 A large badger sett with 15 entrances was identified located on the southern bank of the Nant-Y-Wilcae, just outside of the southern boundary of the site. a suitable buffer of a minimum 10m will be maintained away from the sett throughout construction. The sett is located at the south of the site, away from housing provision.

6.4.3 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. A number of enhancement measures have been proposed. These include:

- o bat boxes
- o open nest boxes
- o house sparrow nest boxes
- o hidden nest boxes

6.4.4 Additionally, new native hedgerow and structural planting will be undertaken throughout the site, as well as wildflower meadow planting and marginal and pond planting within and around proposed drainage features. It is agreed by the Council's Biodiversity Officer that the implementation of the above enhancement measures and proposed planting plans will result in a net benefit to biodiversity as a result of the application. These measures are also detailed on the 'Ecological Enhancement Plan' drawing. The proposal is therefore considered to meet the terms of LDP Policy NE1.

## **6.5 Impact on Amenity**

6.5.1 The proposed layout has been designed to ensure that there are separation distances of at least 21m between habitable room windows on the proposed and existing houses to ensure privacy and/or any overbearing impact. The closest existing dwellings to the new development are 24 - 36 Fayre Oaks (even numbers) that run alongside the western boundary of the application site.

6.5.2 Although it is noted that there is a detached garage on the rear boundary of plot 5A which faces the rear garden of no. 24 Fayre Oaks, there is a 5m landscape buffer between the garage and the boundary. Given that the garage is to the east of the existing garden and single storey, and given the buffer in between, it is considered that this relationship will not significantly impact on the residential amenity of the existing neighbour. It should be noted that 24 Fayre Oaks does benefit from a large garden to the front of their property.

6.5.3 No. 36 Fayre Oaks is also sited closer to the boundary than the remainder of the neighbouring properties and will share a boundary with the parking area for the block of open market apartments located at the entrance to the development. Again, they will benefit from the 5m landscape buffer between their garden and the parking area itself and given the scale of the development, significant disturbance is likely to be minimal.

6.5.4 On the basis of the above, it is considered that there will be no serious loss of residential amenity resulting from the development subject to the continued retention and maintenance of the landscape buffer which is a requirement of approval should Members be minded to approve the application. As such, LDP policies DES1 and Policy EP1 have been complied with.

## **6.6 Sustainable Transport Hierarchy / Highway Safety**

6.6.1 In terms of sustainability, the site is within walking distance of all local facilities in the village which includes a convenience store, pharmacy, butchers, pubs and a primary school. Approximately 230m from the site there is a bus stop (Beaufort Square) on High Street, to the west of Chepstow Road, for westbound journeys. Approximately 255m from the site there is a bus stop (St Cadoc's Church) on High Street, to the east of Chepstow Road, for eastbound journeys. Both bus stops are all within comfortable walking distance from the site. The stops are serviced by routes 60 Stagecoach South Wales and 83 Phil Anslow. There are railway stations at Abergavenny, Cwmbran, Chepstow and Newport the routes of which form part of the national rail network. These can be connected to using the bus services from Raglan. The proposals are therefore considered to be in line with policy by supporting sustainable travel options in rural areas and locating the development near to other related uses to encourage multipurpose trips. This development proposes linkage to the pedestrian infrastructure connecting to local facilities and to public transport services.

6.6.2 To accord with the indicative layout approved at outline stage, vehicular access is proposed via a T-junction to be created with Chepstow Road. An area of public open space has been provided to the north of the access point and a primary central road is proposed which leads to a

larger area of POS to the south of the site. A roadside swale is proposed along the primary road which will also allow the provision of a tree lined avenue to be included.

6.6.3 Parking provision is provided in line with the Council's Car Parking SPG. 90 parking spaces are proposed with all units benefiting from 1 space per bedroom to a maximum of 3 spaces. Sufficient space is included within the garages and curtilage areas of the proposed dwellings to accommodate cycle storage. Separate cycle storage is proposed for the apartment units.

6.6.4 It is the intention that all highways would be adopted by Monmouthshire County Council. The general arrangement of prospectively adoptable footways is considered acceptable and will provide adequate pedestrian connectivity through the site and to existing pedestrian facilities located on Chepstow Road. The proposal generally accords with the design standards established in the Active Travel Wales Act.

6.6.5 A Construction Traffic Management Plan has been submitted for the discharge of a condition on the outline consent. There were initial concerns from Highways regarding the proposed routes to the site as per previous submissions, however the Highway Authority is now satisfied that the routes have been adjusted accordingly to avoid the Raglan High Street and all construction traffic will now access the site from the east via Monmouth Road. In addition, all other measures including site parking, highway and site cleanliness have been satisfied.

## **6.7 Affordable Housing / Other Section 106 Requirements**

6.7.1 Provision of 35% affordable housing was secured at outline application stage and the mix proposed is acceptable to the Council's Housing Officer. The following have been designed to DQR Standards and will be transferred to a Registered Social Landlord to be affordable tenure:

- o 6 x 1-bed apartments
- o 4 x 2-bed homes
- o 3 x 3-bed homes

6.7.2 Furthermore, in accordance with the signed Section 106 agreement, a footpath link between the site and the existing footway adjacent to 22 Fayre Oaks will be provided as well the implementation of public open space works. A sum of £3132 per dwelling towards the provision of recreation / community facilities in Raglan has also been secured as well as £30,000 to pump prime and enhance the local bus service including route numbers 60 and 82.

## **6.8 Flooding**

6.8.1 The proposed development site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). A similar extent of flood risk is also shown on the Flood Map for Planning, falling into Flood Zone 2 and 3 (Rivers). In this case, the southern section of the site which is at risk of fluvial flooding will be POS. The proposed development will also be subject to a fully engineered surface water drainage scheme (see below) to ensure that historic flooding reported by local residents is managed.

6.8.2 On this basis, NRW have raised no objection on flood risk grounds and the development meets the requirements of LDP Policies S12 and SD3.

## **6.9 Drainage**

6.9.1 The development site is located within the catchment of the River Usk Special Area of Conservation (SAC). Compliance data by NRW published in January 2021 shows the Usk to be in poor condition with respect to phosphorous targets, with widespread failures often of large magnitude. It is understood that foul water drainage is proposed to be connected to the existing combined public sewerage system via the existing manhole (DCWW reference SO4107440) located in Chepstow Road near the proposed development access. The current wastewater treatment works (WWTW) has a phosphate stripping facility and a recent permit review undertaken

by NRW has confirmed that there is capacity within the existing permit for 38 additional dwellings. The proposed development would not have an adverse impact on water quality within the Usk River catchment given that the current permit meets the required target of 1mg/l which has been certified by NRW. Officers recommend that the application is approved subject to final confirmation from NRW that impact of the development on the river Usk catchment is acceptable.

6.9.2 In terms of surface water drainage, the surface water drainage strategy has been developed to respect the illustrative layout. Infiltration testing has been undertaken at the site which concluded that this is not a feasible option for managing surface water. As such an on-site attenuation feature is proposed which is shown on the illustrative masterplan at the southern end of the site within the public open space.

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

6.10.1 In terms of the capacity of the local schools to accommodate the increase in numbers of residents, the Council's Education Department was consulted at outline stage and conformed that no education contributions will be required. It is anticipated that 45 dwellings would generate 10 primary aged pupils which who would be able to be accommodated in Raglan Primary School. The development is anticipated to generate 9 secondary aged pupils which would be able to be accommodated in Monmouth Comprehensive School.

6.10.2 Issues raised regarding potential flooding, access, sustainability, visual impact and residential amenity have been addressed elsewhere in this report (see above).

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

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

## **6.12 Conclusion**

6.12.1 This is an application is for Reserved Matters following outline consent for up to 45 dwellings in Raglan. The site is allocated for residential development under Policy SAH10(iii) (Rural Secondary Settlements) of the Adopted Local Development Plan (LDP).

6.12.2 The proposal for 38 dwellings including 13 affordable units with access off Chepstow Road complies with the requirements of the outline consent.

6.12.3 The layout of the development including landscaping and open space provision is considered to be appropriate to the location and there is no conflict with LDP Policies LC1, LC5 and G11.

6.12.4 The design of the proposed dwellings is considered to be in keeping with the character and appearance of the surrounding area and meets the requirements of LDP Policy DES1.

6.12.5 The site layout ensures that there will be no loss of local residential amenity as a result of the development in accordance with LDP policies DES1 and EP1.

6.12.6 The location is relatively sustainable in terms of access to local services and public transport.

6.12.7 There will be no adverse impact on ecology and biodiversity enhancements are proposed as part of the scheme as required by LDP Policy NE1 and PPW11.

6.12.8 NRW are satisfied that the developed part of the site will not be at risk of flooding and there is no conflict with TAN15.

**7.0 RECOMMENDATION: APPROVE subject to final confirmation from NRW that the development would not have an adverse impact on water quality within the River Usk catchment.**

**Conditions:**

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 No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

REASON: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway.

3 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway.

4 The development shall be undertaken in strict accordance with the approved 'Construction and Environmental Management Plan - Land at Chepstow Road, Raglan by Ecological Services Ltd, dated January 2021'. Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

5 No removal of hedgerows, trees or shrubs, or building works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a 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).

6 The 'Ecological Enhancement Plan, drawing no. EEP 01 by Pembroke Design Ltd, dated January 2022' which illustrates the design and location of bat and bird box provision shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the

plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

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

## INFORMATIVES

1 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

2 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.

3 The watercourse known as the Nant y Wilcae is scheduled as a statutory main river, pursuant to the Water Resources Act 1991. The applicant/developer will need to apply for a Flood Risk Activity Permit from NRW if they wish to undertake any work in, over, under or adjacent to this main river. Please see NRW's website for further details:

[https://naturalresources.wales/permits-and\[1\]permissions/flood-risk-activities/flood-riskactivity-permits-information/?lang=en](https://naturalresources.wales/permits-and[1]permissions/flood-risk-activities/flood-riskactivity-permits-information/?lang=en)

4 No development shall commence until the applicant has entered into a Section 278 agreement, Highways Act 1980 with the Council for the works associated with the re-access and footway provision and associated works on Chepstow Road.

5 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.

6 All birds are protected by the Wildlife and Countryside Act 1981. 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 birds is between March and September.

7 Badgers - Please note that Badgers are protected under the Protection of Badgers Act 1992. It is illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett. To avoid breaking the law, follow the advice provided by the consultant ecologist and if work is within 30m of a sett consult with Natural Resources Wales.

8 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 clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

9 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m<sup>2</sup> of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

[SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk)

For advice regarding the application process and general enquiries - 01495 768306

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



**Application Number:** DM/2022/00473

**Proposal:** Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place

**Address:** Pentecostal Church, Monnow Street, Monmouth, NP25 3EQ

**Applicant:** Mr Bailey

**Plans:** Existing site location plan – 020  
Existing block plan -021  
Existing site plan -022  
Existing Chapel lower gf plan – 23  
Existing Chapel gf plan -24  
Existing Chapel roof plan -25  
Existing NW & NE Chapel elevations -30  
Existing SW & SW Chapel elevations -31  
Existing garage floor plans and elevations – 32  
Existing site NW&NE elevations – 33  
Existing site SE&SW elevations -34  
Existing Site sections A&B – 40

Proposed Block Plan – 120  
Proposed Site Plan -121  
Proposed GF plans mews – 122  
Proposed FF&SF Plans mews – 123  
Proposed roof plan mews -124  
Proposed GF plan pair – 125 B  
Proposed FF&SF plans pair – 126  
Proposed NE elevation mews – 130  
Proposed SE, NW & SW elevations mews -131  
Proposed elevations pair -132  
Proposed site sections A&B – 133  
Proposed site sections C&D - 14

Drainage Report - ,  
Ecology Report - ,  
Heritage Impact Statement ,  
Structural Report - ,  
Transport Statement

## **RECOMMENDATION: REFUSE**

Case Officer: Mr David Wong  
Date Valid: 25.03.2022

**This application is presented to Planning Committee at the request of the Local Member**

### **1.0 APPLICATION DETAILS**

1.1 Hebron Hall is located to the rear of Monnow Street towards the southern end of the street. The site is set back from the main shopping street and occupies a large plot with the existing chapel to the rear facing Blestium Street car park. The building is in the town centre, within the

central shopping area, but set back from the primary shopping frontage. The site is within a flood zone, C1. The site is also in the Monmouth Conservation Area and so there is a concurrent application for Conservation Area Consent for the demolition of the chapel. The application proposes the demolition of the existing chapel and the redevelopment of the site to provide seven new dwellings, made up of a pair of semi-detached dwellings in the position of the chapel and a row of five mews houses to the rear of the site with parking and amenity space.

### 1.2 Value Added

There have only been small amendments to the plans since the initial submission, however a thorough investigation of the impacts of flooding has been considered.

### 1.3 Proposal Description

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2022/00473	Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place	Pending Consideration	
DM/2022/00511	Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place (Conservation Area Consent)	Pending Consideration	
DC/2017/00691	New Build retail (A1/A2/A3/B1) on the site of an existing garage comprising 62sqm	Approved	07.11.2017

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
 S4 LDP Affordable Housing Provision  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S17 LDP Place Making and Design

### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
 CRF1 LDP Retention of Existing Community Facilities

RET1 LDP Primary Shopping Frontages  
RET2 LDP Central Shopping Areas  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas  
HE2 LDP Alterations to Unlisted Buildings in Conservation Areas  
SD3 LDP Development and Flood Risk

## **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Renewable Energy and Energy Efficiency SPG March 2016:

<http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency-supplementary-planning-guidance>

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

Primary Shopping Frontages Supplementary Planning Guidance April 2016:

<http://www.monmouthshire.gov.uk/app/uploads/2016/05/Primary-Shopping-Frontages-SPG-April-2016-with-footer.pdf>

Monmouthshire Parking Standards (January 2013)

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

## **Conservation Area Appraisal**

Monmouth Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/monmouth-conservation-area-appraisal>

## **4.0 NATIONAL PLANNING POLICY**

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

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

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

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of

Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

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

### **Technical Advice Notes**

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):

<http://gov.wales/docs/desh/policy/100722tan6en.pdf>

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):

<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Monmouth Town Council** - recommends approval subject to conditions:

seeking electric charging points for each property

consideration of sustainable urban drainage

consideration of the potential impact of noise in relation to the air source heat pumps

consideration of the potential impact of phosphates and the SAC

further comments are made in relation to the loss of the building and the redevelopment potential, parking, access, green space, design and materials, drainage, noise and phosphates.

**MCC Highways** – Objection

The proposed new estate road access shown on drawing 224-121 is not considered to meet the criteria set out within the Welsh Government Common Standards for residential estate roads. The standards state that roads serving more than five properties shall be built to adoptable standards. In addition, the parking provision is integral, this is not considered to count to overall car parking provision and so overall provision falls short. Furthermore, there are concerns that the estate road is not sufficient in terms of width to allow ease of access in and out of the respective garages. Highways recommend refusal of the application based on the layout submitted.

**Natural Resources Wales (NRW)** – Object to the proposals.

The site is within a flood zone C1, where development in principle is acceptable subject to criteria and whether the effects of flooding can be properly managed. NRW's advice states that the Flood Consequence Assessment (FCA) and additional information submitted fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. Therefore, given the depth of flooding at the site and the limited options for the applicant to acceptably mitigate the flood risk, we object to this application in its current form.

**MCC Heritage** – No Objection.

There is a concurrent Conservation Area Consent application for the demolition of the chapel building. As part of these applications a Heritage Impact Assessment has been carried out and finds that the chapel is a very simple example of its type and that it is not the only example of its type in the vicinity. The building also suffers from significant structural issues and is in a poor state of repair. The building, despite being identified as making a particularly positive contribution to the character of the conservation area, is suffering from neglect. The proposals to redevelop the site are considered to make a positive contribution to the character of the conservation area and so on balance it is considered that the application meets the test of preserving the special character or appearance of the conservation area.

**Environmental Health** – Raises concern.

Request additional information to show how the development is going to achieve noise standards for the occupants. This should also include how the development will consider the impact of noise in relation to the proposed Air Source Heat Pumps (ASHP) on neighbouring properties.

Recommend that a site investigation/risk Assessment procedure to be undertaken by the developer. In the absence of this study conditions related to contaminated land are suggested. Further conditions in relation to a Construction Environmental Management Plan be submitted.

**Glamorgan Gwent Archaeological Trust (GGAT) – No Objection**

Given the extensive research and understanding of the locality it is likely that the development has the potential to encounter archaeologically significant remains during the work. Therefore, it is recommended that a condition is applied requiring a written scheme of investigation and building recording, (level 2) in relation to the existing building on site.

**MCC Ecology No objection**

Bat and Bird surveys have been carried out and confirmed low risk to the conservation status and mitigation proposals are acceptable. Conditions are suggested in relation to lighting and securing mitigation. Screening in relation to the impact of phosphates will need to be completed.

**MCC Landscape/Urban Design – objection**

Concerns over the SE terrace elevation which is not complementary to the setting, appears not to respond to the secondary active frontage or to architectural form and not consistent with the localised built form. The SW terrace has architectural form and texture, however the NE terrace elevation would benefit from further detail to reduce the expanse of brick in the form of timber cladding, render and brick detailing to corners, lintols and entrances.

Proposed shrub and tree planting is welcomed, opportunities are there for an additional street tree on the SE elevation. A planting schedule should be provided as well as a clear lighting strategy. Conditions are suggested.

**Drainage**

Lead Local Flooding Authority – Object

Flooding -The impact of flooding provides cause for concerns regarding these proposals and is not considered to be compliant with TAN15.

Surface Water Drainage – the application states that surface water is to be discharged to the public sewer, however we note DCWW objection to this. We request that the applicant obtains an indication from DCWW that they are happy with this approach. A Sustainable Urban Drainage system (SuDS) will be required and approved by SAB (SuDS Approving Body).

**Welsh Water - no objection**

DCWW consider that the development will overload the existing public sewerage system as no improvements are not due to be completed until October 2022. They advise that Monmouth WwTW does not have a phosphate permit. A subsequent re-consultation in August 2022 confirmed no objection in relation to capacity of the sewers. DCWW identified the position of the public sewer and required a no build zone around this. Should the application be approved a condition confirming no surface water shall connect to the mains is applied.

5.2 Neighbour Notification

None received

5.3 Other Representations

Some comments have been lodged against the concurrent Conservation Area Consent Application which are as follows:

In support – 2

This will bring a derelict site back into positive use which would benefit the area in a number of ways. This will improve the visual appearance of the area and will meet the needs of many young individuals and families in the area and provide some natural surveillance.

Some concerns over disruption during the build but the outcome will improve the overall facility of the area and is beneficial to the town.

Support for the redevelopment, however concerned that every effort should be made to seize the opportunity to provide a public thoroughfare, the space provided on the plans does not appear to create a safe and pleasant route for wheelchair users. Concerns over the space for parking and turning, suggesting parking would be better in the public car park.

#### Objection – 2

Concerns relate to over development of the site, the buildings are out of keeping with the two storey cottages or houses typical of the alleys along Monnow Street, the buildings should be reduced in height and number.

Concerns relate to a badly located and designed thoroughfare, whilst this is welcome in principle, the proposed route is tortuous and passes dangerously and immediately in front of the garage entrances. Priority should be given to people rather than cars.

That the existing building should be repaired and renovated, the proposals are not appropriate and don't respect the conservation area.

### 5.4 Local Member Representations

Cllr Catherine Fookes requested that the application be considered by the Planning Committee due to the scale of the proposals and the impact on the town centre.

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**

PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Monmouth development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate seven residential dwellings. Policy S1 states the main focus for residential development will be within the Main Towns, which includes Monmouth. Policy H1 identifies the development boundaries within which residential development will be permitted subject to detailed planning considerations. Therefore, the principle of new residential development in this location is acceptable.

The development in line with Future Wales, The National Plan up to 20240, which promotes a 'town centre first' approach to development. P65 states 'The growth aspirations of Future Wales are an opportunity to regenerate our towns and cities and shape their extent, structure and density. Placemaking is at the heart of the planning system in Wales and this policy establishes a strategic placemaking approach and principles to support planning authorities to shape urban growth and regeneration'.

The proposed dwellings would provide much needed town centre accommodation and support the regeneration of Monmouth Town Centre. They accord with the aim to increase density in town centre locations supporting the long term economic health of evolving town centres. The proposals accord with the emerging Transforming Towns agenda for Monmouth aiming at delivering public realm and active travel improvements along Monnow Street. The building is in a poor state of repair and so would significantly benefit the town by providing a high quality housing-led development providing a key lateral link into Monnow Street.

The proposed development therefore accords with the key principles of Future Wales, PPW 11 and the Adopted Local Development Plan.

### **6.2 Sustainability**

The Local Development Plan (LDP) and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a sustainable location for a new residential development as it is located within an existing residential and town centre location, close to many

facilities such as the playing fields and school provision for all years. Monmouth is served by a local bus service linking it to the other main towns and wider area including other modes of transport such as train stations. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

### 6.2.1 Good Design

The application proposes the demolition of the existing Hebron Hall and the rebuilding of a pair of three-storey dwellings at the western end of the site (on the position of the current chapel) and a terrace of three-storey mews dwellings positioned east to west into the rear of the site. They follow the grain of mews developments extending in a linear form as found in Howells Row, positioned very closely to the north of the site. Therefore, the layout is sympathetic and characteristic of the development pattern of the area. The scale of the buildings is three-storey, having a maximum height of 9m which is similar to that of the surrounding buildings. Those facing Monnow Street are approximately 9.5m to 13m high, those to the rear, generally have a lower scale of 7-7.5m. However, given the mix of building heights and scales the proposed terrace to the rear is not considered out of context or overly tall so as to have an adverse effect on the character of the area.

The dwellings have a contemporary design, with a repeated pitch and ridge roof to break down the overall mass and integrate the buildings into the surroundings of differing roof pitches and styles. This is a traditional style of roof construction but given a contemporary approach with the arched ridges and standing seam zinc roof covering. The walls are to be finished in a red brick with aluminium doors and windows, balconies are to be set within the building and not projecting maintaining a clean line and rhythm that emphasis the modern approach to a traditional mews terrace. The design and materials of the proposed buildings are considered to provide a positive architectural contribution to the character of the area in line with DES1. This is also considered to be an appropriate form of development within the Conservation Area in line with the requirements of LDP Policy HE1 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed development also promotes sustainable building and living criteria, with the inclusion of air source heat pumps, reduced energy and CO2 emissions through modern construction techniques and high performance materials and insulation, a waste strategy to deal with communal recycling and EV charging points. The development will also accord with SuDS and provide enhanced GI and ecological mitigation.

### 6.2.2 Place Making

The proposed development is of a contemporary approach to traditional backland mews terraces which is a traditional type of development in urban environments. The contemporary approach seeks to follow the scale and mass of existing buildings and respect the more linear development found in this part of the town. The approach taken is similar to that of other rear backland housing developments and helps to support a sense of place and distinctiveness for Monmouth. In addition the application proposes a public thoroughfare running through the site linking the rear parking areas directly to the main shopping street. This will also create additional provision for enhanced public realm improvements when viewed from Monnow Street.

Concerns have been raised by the Urban Design and Landscape Officer relating to the south-east elevation of the terrace, which is the gable end of the terrace facing outwards from the rear of the site. Suggestions have been made that this is out of context with the localised built form and that the elevation would benefit from cladding or other architectural detailing to reduce the expanse of brick. Whilst this is a tall and simple elevation, the elevation will not be read alone, this will be viewed in context with the whole terrace and read as one architectural composition. Whilst some alterations could be made to this elevation the applicant was keen to retain the architectural vision of the design as existing.

It is considered that the buildings are of a form and scale that is appropriate within the historic town centre location and use materials and design approaches that are complementary but modern within the Conservation Area. The replacement buildings are considered to have a

positive impact on the character of the Conservation Area in line with the criteria set out above and in LDP policies HE1 and DES1.

### 6.2.3 Green Infrastructure (GI) and Landscape

The application proposes the redevelopment of a brownfield site which currently makes very little contribution to the GI of the area. The Council's Urban Design and Landscape Officer has welcomed the proposed shrub and tree planting and identified opportunities for more street planting, particularly on the south-east elevation of the terrace. This is considered an enhancement over the current arrangement and is a welcome attempt to incorporate GI into an urban brownfield site. Conditions have been suggested for a planting schedule and a lighting strategy and would be considered appropriate. Landscape and Urban Design considerations have been addressed under para's 6.2.1 and 6.2.2 above.

### **6.3 Historic Environment**

As stated, the site is within the Monmouth Conservation Area and therefore is considered against the criteria set out in Policy HE1. This states that all new development within the Conservation Area should:

- a) preserve or enhance the character or appearance of the area and its landscape setting,
- b) have no serious adverse effect on significant views into and out of the Conservation Area,
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape,
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

In this instance the application is accompanied by an Application for Conservation Area Consent (CAC) for the demolition of the existing chapel on the site. The assessment of the CAC takes into consideration the contribution of the existing building, and the contribution that the proposed replacement building would have on the special character of the Conservation Area which has been considered by the Council's Heritage Officer. The Heritage Officer states that the existing building does make a contribution to the character of the conservation area, being a simple chapel set back from the main street. However, it is acknowledged that this is one of several chapels set back from the main street in Monmouth, and that this particular example is a very simple building being of limited architectural quality. In addition, the current condition of the building, being in a poor state of repair and having considerable structural issues, together with modern interventions and alterations, mean that its overall contribution has been compromised.

The consideration then falls to the replacement building, and as discussed in the above paragraphs relating to placemaking, the new buildings are considered to be appropriate to their setting and make a positive contribution to the sense of place.

The site is also in close proximity to a number of listed buildings; however these form the main street facing in a westerly direction onto Monnow Street. These buildings were mainly on former burgage plots extending back outwards from the line of the street. They are all of a similar later Georgian character with primary frontages and later extensions to the rear. They form a varied character of roof heights, pitches and styles. Given the scale and architectural style of the proposed dwellings, this is not considered to have an adverse impact on the setting of the surrounding listed buildings.

The site is also within an Archaeologically Sensitive Area and so Glamorgan Gwent Archaeological Trust have responded to the consultation stating that given the extensive research and understanding of the archaeology in the area it is known that the development could encounter archaeology and recommend conditions requiring a written scheme of investigation and a building recording of the chapel prior to demolition.



Therefore, the impact on the character of the Conservation Area, archaeology and surrounding listed buildings is considered to enhance the special character of the Conservation Area in line with LDP Policy HE1. The development is also considered to preserve the setting of the adjacent listed buildings, in accordance with s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **6.4 Biodiversity**

The application has been supported by ecological surveys for bat and bird activity. These concluded that the site has a low risk conservation status given the condition of the building, the low level of vegetation on the site and its position in the urban environment. Therefore, the site is considered to have a low ecological value. The application proposes a mitigation strategy including the need for a licence obtained through NRW and compensatory roosting provision. There are more roosts provided than the number of bats found which would result in a net gain. In addition, a condition is suggested to manage external lighting.

### Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. The application site is within the catchment of the River Usk Special Area of Conservation (SAC). On the 21 January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales.

As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a signification effect on the SAC.

In this case the site is within a Phosphorous Sensitive Area and the development does have the potential to have a harmful effect on the SAC. However, as part of the application a drainage statement has been provided. This shows that the current drainage from the site which includes the existing chapel and associated uses together with the drainage from the extant planning permission is more than the proposed flows resulting from the proposed seven dwellings. These have been considered as follows.

#### Existing flows

Chapel 917 Ltr per day

Extant PP 5950 Ltr per day

**6567 Litres/day**

#### Proposed flows

**3360 Ltr per day**

NRW have responded in relation to phosphates in their consultation response of 13 September 2022. They refer to the method of calculating flows of drainage and state that the consideration 'should be a planning judgement on what baseline figures should be used in the calculating pre and post development flows.' It is considered that the fall back position of implementing the previous permission DC/2017/00691 is acceptable. All conditions in relation to this permission have been discharged and works commenced on site in the form of drainage which has been confirmed by Building Regulations. Therefore, the implementation of this permission could be carried out immediately. On this basis it is considered appropriate to use these calculations as part of the assessment of drainage.

Therefore, on the basis that the development would result in a reduction of discharge creating a betterment of flows from the site it is considered that the proposal would meet the screening criteria set out in Planning Advice (May 2021), and so the proposal is not likely to have a significant effect on the River Usk SAC.

## 6.5 Impact on Amenity

The development is in two main blocks, the replacement building on the site of the existing chapel and the rear mews terrace. In relation to the replacement building, this is set on a similar footprint as the existing chapel. The existing chapel building is positioned approximately 3m from the rear of the buildings along Monnow Street at its closest point. The replacement pair of dwellings will occupy a similar footprint, just set back by an additional 3m from the rear of 84-90 Monnow Street improving the situation over and above that of the existing building. The existing ridge height of the chapel is 11.7m and the proposed ridge height will be 9.7m, therefore again reducing any overbearing impact when considered against the current arrangement. The buildings along Monnow Street have varied ridge heights, the closest buildings being 12.2m and 9.5m, therefore the proposed 9.7m is within this context and would not appear to be incongruous or overbearing.

There are habitable rooms facing towards the rear of 84 and 90 Monnow Street, however the building at present is 3.2 and 2.7m from the rear of the 84 and 90 respectively at ground floor level increasing to 8.3m at first floor. As stated, the proposed replacement building will be set back from its original position to allow an appropriate pedestrian thoroughfare through the site. This means that the proposed building will be 11.5 and 11.1m away from the rear of 84 and 90 Monnow Street. The rear of 88-90 contains two flats to the upper floors, the rear of 84 is commercial and storage. It is considered that the intervening distances between the rear of 84 and the new dwellings is acceptable based on the commercial use of the building and that no unacceptable level of overlooking is created. To the rear of 88-90 the flats are 11m from the rear of the new dwelling. The habitable rooms to the immediate front of the proposed replacement dwellings will have obscure glazing from the kitchen, dining, bedroom and en-suite which will mitigate for the shorter than average distances. Given the town centre location, characterised by a densely built environment, there is already a higher than normal level of overlooking and therefore it is not considered that the proposals would present a harmful increase in overlooking to warrant refusal. On balance this aspect considered to be acceptable.

80 and 82 Monnow Street extend out to the rear of the plot with a rear outside seating area for the café (currently Coffi Lab). At first floor the rear extension is two storey and is currently 11.9m from the side of the chapel building given the existing side single storey extension. The proposed pair of dwellings will be located closer to the rear extension of 80/82 Monnow Street being 8.5m side to side of the buildings. There are habitable rooms with windows in the side elevation facing 80/82. These distances are less than normally required, but again, given the dense urban environment and current level of overlooking, this is considered to be acceptable. To provide some mitigation these windows should be obscured glazed, secured through a condition.

To the south-west, there is a large building which is in association with Earnest Heal and Sons; this is a tall single-storey building that is in commercial use. The existing chapel is currently 12m from the side elevation of this building, the proposed dwellings will be 13m away from this building and as discussed of a lower scale and mass and therefore this is considered to have a beneficial impact on the adjacent buildings compared to the existing situation. The proposed terrace would be 8m away from the corner of this building. Given this is a commercial use with few windows to the north-east elevation, it is not considered that the proposed terrace would have an adverse overlooking impact on this commercial building.

The proposed terrace will have a ridge height of 9.2m; this is comparable to the adjacent nursery building which also has a ridge height of 9.2m. To the north-east of the site, the terrace will face the front elevation of Howells Place. There is a separation distance of 24m between the two properties which is compliant with the SPG that requires 21m from principal habitable rooms. There is a large two-storey building set to the rear of the adjacent site used as a day nursery. This building will be 9m from the front elevation of the end of the terrace. The nursery is 9.2m high, this will be the same as the proposed terrace. The terrace will be in close proximity to the existing

nursery however, the character of the area is of a rear backland development which is of varying heights and scale. The existing Howells Row is 6m from the side of the nursery which extends the whole length of the nursery building. The proposed terrace will be 9m from the side elevation of the Nursery but only in part. This helps to maintain some open space between the two, limiting the overbearing impact. Given the built-up, urban nature of the site and the existing uses, it is not considered to have an overbearing or overlooking impact on the commercial property.

Further to the south-west, there are smaller former garages, one converted into a retail space (The Computer Centre). All of these buildings are low scale and commercial in nature. The Computer Centre is adjacent to the rear of the site and will be situated adjacent to the south-western end of the terrace immediately adjacent to the visitor parking. The proposed terrace will be substantially taller than the former garage, but the same height at the nursery close by. The garage immediately adjacent, currently used for storage, will be demolished to provide a parking area, it is the outer garage that is converted as a commercial unit. It is therefore not considered to have an overbearing impact on these properties given their current use. Further to the south-west is another single-storey storage building (10m away) and the two-storey building of Castle Gate Medical Centre (23m away), and then the three-storey building of Waitrose (37m away). It is considered that these buildings are far enough away for the proposed terrace not to have any harmful impact.

## **6.6 Highways**

### 6.6.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located within the town centre of Monmouth, where there is a comprehensive range of retail and service facilities including schools. The site is in a highly sustainable location so that the occupiers of these dwellings will be less reliant on the car to go about their daily business.

### 6.6.2 Access / Highway Safety

The Highways Officer has raised concerns that as the development features more than five units the private shared drive is the primary means of access and should be brought up to adoptable standards. The applicant does not wish this access to be adopted and maintained as a public highway. The highway standards seek a minimum of 4.5m for an access within the site. This has been achieved and the access is proposed to be increased to 5.2m reducing to the desired 4.5m within the site allowing two cars to pass side by side. A turning area is provided in front of plots 6 and 7 to allow cars and delivery vehicles to enter and exit in a forward gear. It is acknowledged that the site contains more than five dwellings but given this is a town centre location the parking area is more of a parking courtyard rather than an access road. Refuse vehicles will not be entering the site, collections will be made kerbside at the rear entrance to the site and not within it; a dedicated store is to be provided adjacent to the visitor parking at the rear entrance to the site. Thus, it is considered that on this occasion the highway access provision is safe and would not have a harmful effect on the highway network. On balance, the proposal is considered acceptable having regards to access and accords with Policy MV1 of the LDP.

### 6.6.3 Parking

The adopted Monmouthshire Parking standards require one car parking space per bedroom up to a maximum of three per unit which would equate to 14 spaces. In this instance there are seven two bed units, each unit has a single garage for one parking space and three visitor parking spaces are provided to the rear of the site. The parking standards do not consider integral garages to count towards parking provision. PPW Ed.11 places great emphasis on ensuring that new development can be adequately serviced by public transport to encourage modal shift to more sustainable forms of transport. Future Wales (FW) promotes lower levels of car parking and advocates a shift from car-led developments. Given that Monmouth is a sustainable location in terms of public transport provision with a variety of modes, and Welsh Government encouraging less dependence on private cars. It can be argued that given this is such a sustainable location there could be a relaxation on parking provision on site. In addition, the site is immediately adjacent to a large public car park ensuring that overspill parking does not create a highway safety issue.

The parking provision to the undercroft of the dwellings needs to be maintained in perpetuity by removing permitted development rights to change the use of these spaces.

## 6.7 Affordable Housing

Policy S4 of the Local Development Plan requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. The policy says that within the Main Towns, of which Monmouth is one, developments sites with a capacity of five or more dwellings will make provision for 35% of the total number of dwellings on the site to be affordable. In this case two affordable units (the paired dwellings) are being provided on the site; these are both two-bedroom units and are compliant with DQR standards. The provision of two-bedroom units is in line with the need demonstrated by the local housing register. The affordable units will be constructed by the developer and then passed onto a social housing provider. This will be secured via a s106 Legal Agreement.

## 6.8 Flooding

The site is within a C1 Flood Zone as defined in the Development Advice Map (DAM) contained in TAN15, this means the site is within a flood zone but is protected by significant infrastructure/defences along the River Monnow. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Paragraph 6.2 of TAN 15 says that new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development (residential) and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

Considering these tests:

Tests i) or ii), the location is a highly sustainable location where PPW and Future Wales promotes the efficient use of land and the relevant LDP policies support residential development within existing settlements. The site is currently in poor condition with the existing building boarded up for safety following repeated attempts to break in. The redevelopment of the site to provide a high quality environment, much needed affordable housing and a key pedestrian link from the main street to the wider parking courts beyond align with the Council's Transforming Towns agenda and regeneration initiatives to support the vitality, viability and employment opportunities of the town centre.

Test iii), in this case the site is previously developed land (a brownfield site with former buildings on the site).

Test iv) that the consequences of flooding are acceptable.

NRW have responded to the consultation stating -

A Flood Consequence Assessment (FCA) was undertaken by RSK referenced 680554-R1(01) - FCA dated July 2022. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

The following flood depths are provided in the FCA addendum:

- 1% (100) plus climate change event flood depths range from approximately 0.94m to 2.17m on site. The combination of flood depths and velocities results in a low to moderate hazard rating for the site during the 1% plus climate change event.
- 0.1% (1000 year) flood depths range from approximately 2.08 to 3.32m on site. This event experiences very low velocities of less than 0.5m/s within the site boundary. The combination of flood depths and velocities results in moderate to high hazard rating for the site during the 0.1% event.

The proposed ground floor of the terrace and the pair of dwellings is proposed to be used for garaging and storage. The main residential accommodation will be at first floor level, with a finished floor level of 2.4m above external ground levels, although the ground floor accommodation will not be flood free in the event of a 1 in 100 year flooding event. The FCA concludes that the site could flood to an extent of 0.94m to 2.17m in this form of event. TAN 15 (A1.14) states developments should be designed to be flood free during a 1% fluvial flooding event. The development includes that of the whole site, including the parking areas on the ground floor. This is confirmed by NRW's response of January 2023. Unfortunately, the FCA as identified above shows flooding to a depth of 0.94m to 2.1m at the site in a 1% (1 in 100 year) event, meaning that the development fails to comply with the requirements of the TAN. NRW also raise concerns regarding the impact of flooding in the event of a 1 in 1000 year event, as depths could exceed 3.32m meaning that the first floor would not be flood free. However, less weight is given to 1 in 1000 year events as these are very infrequent and less likely to have an impact on the lifetime of the development, that would be approximately 100 years.

It is however noted that the 100 year plus climate change data shows the flood depths, but also coincides with very low velocities of less than 0.3m/s within the site boundary, meaning that the site will take some time to flood to these depths. In the 1000 year event, this is 0.5m/s. NRW operate an early warning system notifying owners/occupiers of potential flood events so prior preparation and evacuation where necessary can take place appropriately. This form of mitigation and flood management will not have an adverse impact on flooding elsewhere and can be included as part of a flood management plan. However, this does not reduce the actual risk of flooding on site.

Other options such as raising the ground levels within the site are impractical and would result in increased flooding elsewhere, again failing to comply with the requirements of TAN 15.

LDP policy S12 states that all new development must demonstrate sustainable and efficient resource use, this includes renewable energies, techniques and construction as well as ongoing efficiency of the site. The Design and Access Statement sets out how the proposed development would take into account the use of renewable technologies and appropriate construction techniques as well as ongoing efficiency of the users of the site to future proof the proposals. This is considered to be compliant with the first part of S12. However, as the FCA has demonstrated the site is subject to flooding and despite being in a sustainable location, the FCA demonstrates that the extent of flooding is not acceptable and not compliant with the advice set out in TAN 15.

LDP policy SD3 refers specifically to flood risk, stating that highly vulnerable development will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within the settlement boundary. Developments within the flood plain will be required to demonstrate:

- The development can be protected by approved engineering or other flood protection measures,
- Such measures will not cause adverse flooding elsewhere,

- The development and mitigation measures can be sympathetically assimilated into its environment,
- The development does not interfere with other Agencies' requirements to manage flooding,
- Nature conservation is protected and enhanced.

The proposals do not relate to the conversion of upper floors of an existing building as they provide seven new build dwellings and so are considered to be contrary to this policy. In addition, the development is not protected by bespoke engineering flood defences specific to this site, however, Monmouth is protected by existing flood defences. It is not considered that the development will cause adverse flooding elsewhere and the development is appropriately assimilated within its environment, nor does it interfere with the ability of other agencies to manage existing flood defences. The nature conservation status of the site is also maintained.

In conclusion, the development fails to accord with LDP Policy SD3, regarding the need to avoid the siting of inappropriate development in areas at risk of flooding.

## **6.9 Drainage**

### **6.9.1 Foul Drainage**

The application is within a sewered area, therefore the application proposes that the new residential units would use the same mains sewerage system as the existing buildings on site. This is in line with Welsh Government's Drainage Hierarchy. DCWW initially raised concerns that the capacity of the sewer network in Monmouth was not able to cope with further developments until improvements had been made in October 2022. The LPA is aware that these have now been carried out and that the current system has increased capacity. In addition the extant permission on the site could be carried out which would also connect to the mains sewer and therefore due to increased capacity and a fall back position the proposals are considered to be acceptable.

DC-WW raised no objection in their second consultation response in August 2022, however did identify the position of the mains sewers at the front of the site and required a 3m no build zone. The pair of dwellings has therefore been positioned to avoid building on or near the mains drains.

### **6.9.2 Surface Water Drainage**

The application proposes to take full advantage of the requirement to achieve SuDS compliance through harvesting, infiltrating, slowing and storing run off on site. The anticipated approach will be a combination of components on the surface and below ground specifically beneath the surface of the cobbled roadway to allow the surface water to be managed effectively. This will be fully assessed and independently approved via a separate Sustainable Drainage Application. DCWW and the Lead Local Flood Authority have confirmed that a SUDS application will be required which will ensure that all surface water is appropriately managed.

## **6.10 Noise**

The Council's Environmental Health Officer responded to the consultation requesting further information in relation to internal and external noise levels and requested an acoustic report to confirm how levels will be achieved. However, given the dense urban environment, adjacent to existing commercial properties and a large car park it is not considered necessary to request a full noise report. Additional information, however, was requested in relation to the proposed air source heat pumps (ASHP). This has been provided stating that the proposed ASHP would create 46bd of noise within 1m reducing to 36bd within 3m and 32bd within 5m. For comparison a standard refrigerator emits 40db of noise which is considered to be acceptable within this urban environment.

## **6.11 Planning Obligations**

The proposed development is subject to an affordable housing contribution and as identified above this is the provision of two on site two-bedroom dwellings. This would be secured through the Section 106 Agreement.

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

6.12.1 Concerns have been raised in relation to the following issues:

That the proposed buildings are out of context/character for the site. As discussed above the site is an urban environment surrounded by varied roof heights, styles and uses of buildings. The proposed development is considered to be distinct but complementary to the surroundings and appropriate within an urban environment. Concerns have also been raised about over development, however as shown in this context the proposed development is appropriate and accords with National Policies regarding development within urban areas.

Concerns in relation to the public thoroughfare. The inclusion of an open and public pedestrian link through the site is welcomed; it is not considered that the shared space to the rear poses substantial harm to pedestrians given the very low speeds of cars that would be using the shared parking court to the rear.

Concerns that the existing building should be renovated and repaired and not demolished. The consideration for demolition of unlisted buildings in Conservation Areas has been set out above. It is considered that the demolition and redevelopment of the site as proposed preserves or enhances the special character of the Conservation Area.

Support has been provided from Monmouth Town Council who requested EV charging in each property, consideration of the SAB requirements, details of the proposed air source heat pumps (ASHP) and consideration of phosphates. EV charging has been included in the plans and details of the ASHP have been provided. SAB approval is a separate application and will be considered by the SAB Team and the issue of phosphates has been considered above.

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

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

## **6.14 Conclusion**

6.14.1 The proposed development of this brownfield town centre location is broadly supported. The development is considered to bring multiple benefits to the town in terms of sustainable housing, provision of on-site affordable housing, public realm improvements and a general improvement of the character and appearance of the area. The development accords with the principles of the town centre first approach set out in National Policy (Future Wales), the objectives of Planning Policy Wales Ed.11 and the strategic and development management policies of the Local Development Plan.

However, as the FCA has demonstrated, the site floods in a 1 in 100 year (plus climate change) event to potentially 2.1m. TAN 15 sets out criteria for assessing flood risk in relation to new, highly vulnerable development, that it should be flood free within these flood events. The development as proposed will not be flood free. Alternative mitigation such as raising ground levels is not considered appropriate in this context and will have an adverse effect on flooding elsewhere, again contrary to policy.

## **7.0 RECOMMENDATION: REFUSE**

### **Reason for Refusal:**

The development would result in the location of a form of highly vulnerable development within Flood Zone C1 as identified by the Development Advice Maps referred to under TAN 15 - Development and Flood Risk. Due to the level of flooding identified with the Flood Consequence Assessment, the proposal would be contrary to the advice contained in Planning Policy Wales Technical Advice Note 15 Development and Flood Risk and policies S12 and SD3 of the Monmouthshire Adopted Local Development Plan.



**Application Number:** DM/2022/01376

**Proposal:** Conversion of the former convent building into 4no. self-contained apartments (C3 Class)

**Address:** 151 Park Crescent, Abergavenny, Monmouthshire NP7 5TN

**Applicant:** Mr Nicholas Jones

**Plans:** Location Plan A001 - , Site Layout A002 - , Floor Plans - Existing A003 - , Elevations - Existing A004 - , Elevations - Existing A005 - , Site Layout A006 - , Floor Plans - Proposed A007 - , Elevations - Proposed A008 - , Elevations - Proposed A009 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 13.10.2022

**This application is presented to Planning Committee due to an outstanding objection from Highways.**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to an existing semi-detached dwelling in the centre of Abergavenny. The property was last used as a convent.

The site is within the Abergavenny Conservation Area and within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

#### 1.2 Proposal Description

It is proposed to convert the single dwelling to four self-contained apartments. External alterations required to enable the conversion will be limited, but the following works are proposed:

##### Front Elevation:

New front door into communal area.

New timber bin store enclosure within front amenity area.

##### Rear Elevation:

Metal framed balcony with structural posts and 1100mm high balustrade to the rear elevation with 1800mm high privacy screen to both sides to serve plots 3 & 4.

New ground floor window to plot 1.

New external door / window to plot 4.

New French door (from plot 2)

New windows to bathroom / bedroom of plot 2

New horizontal slatted timber boundary fence between garden to plots 1 & 2.

Existing rear garden shed to remain and be converted into ancillary office / store for plot 1.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00985	Proposed 18.0m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.	Approved	29.06.2021
DM/2022/01376	Conversion of the former convent building into 4no. self-contained apartments (C3 Class).	Pending Determination	

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas  
H9 LDP Flat Conversions  
EP1 LDP Amenity and Environmental Protection  
EP5 LDP Foul Sewage Disposal  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations

## 4.0 NATIONAL PLANNING POLICY

### Future Wales - the national plan 2040

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

### Planning Policy Wales (PPW) Edition 11

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

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

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Abergavenny Town Council** – No response received at the time of writing.

**Natural Resources Wales (NRW)** - Standard advice on drainage applies.

**Dwr Cymru – Welsh Water (DCWW)** - We have reviewed the information submitted as part of this application with particular focus on the existing and proposed layout plans as well as the foul water drainage calculations. We have no objection on the basis that there is no increase in foul or surface water generated by the proposal.

**MCC Highways** - Objection: The site is located on the classified R13 and opposite the junction of the C710.1 & C710.6, all of which have considerable parking regulations in place.

The application site as existing does not have any available off-street parking due to its historic nature and it is noted that the proposed development of 4x 2 bed flats proposes to maintain the existing situation by offering no off-street car parking provision.

It should be noted that for a residential development/conversion of 4x 2-bed apartments off-street car parking provision should be 1 space per bedroom per unit i.e. 2 car parking spaces per unit with a total of 8 parking spaces.

The Highway Authority have considered the application site's location and proximity to the town centre and local amenities therefore we could consider a relaxation on the parking standards by accepting 1 car parking space per unit. However, we would object to the proposal of zero parking provision due to the existing on-street parking stress experienced in the immediate area. The majority of roads have on-street parking restrictions and there are concerns that the proposed development and associated traffic will have a detrimental impact on the nearby private 'car park' outside the sports and social club that is ostensibly used as a carpark by local residents. Given the site cannot provide any such parking provision we would recommend refusal of the application on the grounds of insufficient parking so as to prevent further negative impacts on local on-street parking stress.

Further comments: The applicant has provided a transport statement in response to our objection. The previous use as a convent would have produced little to no vehicular traffic, and the conversion to 4 flats of two bedrooms each will result in an increase.

The proposed use of a bedroom, nurse's room or office, and the proposed occupants, is immaterial to the application of the MCC parking standards, beyond specialised residential dwellings. We have already considered a reduction in parking requirements based on sustainability criteria and therefore our expectation of providing at least one parking space per dwelling remains.

The proposal of using the nearby private parking facility outside the applicants' control is not appropriate as allocated parking for the purposes of the MCC parking standards, and we retain our concerns regarding further on street parking in this area.

**MCC Biodiversity** - No objections subject to conditions.

**MCC Heritage** - Thank you for letting me know about the additional information, my comments remain in terms of the front door (the addition of a front door). This is acceptable in principle but the proportions should remain to reflect the current window. The material choice for the door should be conditioned to be timber and in an appropriate colour finish but the comments on the western and rear elevation have been satisfactorily dealt with.

**MCC SAB** -The application does not appear to have drainage implications. It is not proposed that new structures will be created. We therefore have no objection on grounds of surface water drainage. SAB consent is not required.

**MCC Lead Local Flood Authority** - Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events near the site. Our database of drainage and flood assets does not record any drainage or flood assets close to the site. We therefore have no objection to the proposed development on flooding grounds.

SEWBRc Search Results - No significant ecological record identified.

### 5.2 Neighbour Notification

No comments received.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

County Councillor - No comments received.

## **6.0 EVALUATION**

### **6.0.1 Principle of Development**

6.0.2 Abergavenny is identified in Local Development Plan (LDP) Strategic Policy S1 as a main town. Policy H9 *Flat Conversions* sets out that proposals for the conversion of properties into flats within town and village development boundaries will be permitted provided that the development:

- a) *will not adversely affect the particular qualities of the street or area where the proposed conversion is located;*

This matter is addressed in Section 6.1

- b) *will not adversely affect the particular qualities of the buildings, particularly where they make a positive contribution to the character of Conservation Areas;*

This matter is also addressed in Section 6.1

- c) *provides reasonable levels of amenity and privacy of adjacent properties through careful consideration of the positioning of entrances and fire escapes, and noise transmission issues; and*

This matter is addressed in Section 6.3

- d) *ensures that car parking and service requirements are met in a manner which preserves the character and appearance of the area and do not have an adverse impact on highway safety or cause traffic congestion.*

This matter is addressed in Section 6.4

### **6.1 Good Design/ Impact on Listed Buildings and Conservation Area**

6.1.1 The site is located within the Abergavenny Conservation Area and is adjacent to the Grade II Listed Building Mulberry House. The front elevation (south) is noted to have one alteration - the addition of a front door. This is acceptable in principle but the proportions should remain to reflect the current window and the material choice for the door should be conditioned to be timber and in an appropriate colour finish, should Members be minded to approve the application.

6.1.2 The western elevation is visible from the Conservation Area and can impact on the setting of Mulberry House. The proposed change which will have an impact is the balcony at first floor level. Only one small section of the balcony is visible from this angle and is likely to be a powder-coated aluminium frame with glazed balustrades. This type of high quality modern material is considered to be appropriate in this context.

6.1.3 In terms of the rear view from Mulberry House, the only significant change is the addition of the balconies which will only project around 1.2m from the building line so the impact should be very limited. The Council's Heritage Officer has confirmed that they are satisfied that the proposed alterations will not impact upon the neighbouring listed building and (subject to the new front door being painted timber) will preserve the appearance of the Conservation Area in accordance with LDP Policy HE1.

## **6.2 Foul Drainage (Phosphates)**

6.2.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition.

6.2.2 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued July 2022). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion as set out in the interim advice:

*Any development that does not increase the volume and phosphorus concentration of wastewater;*

This conclusion has been reached following a request from Officers for the applicant to provide a detailed breakdown of foul water discharge rates for the existing use of the building compared to the proposed use, the results of which are summarised below.

Existing usage = 0.145l/s.

Proposed usage = 0.085l/s.

The calculations take account of the likely demography of occupiers of the existing building use (a convent for nuns) which results in an overall reduction in flow rates. However, one must also consider that the existing use could bring existing rooms (2 x reception rooms) into accommodation or subdivide one of the larger existing upper floor bedrooms without the need for planning permission.

Having regard to the information provided by the applicant as well as the possibility of the existing lawful use providing increased accommodation without the need for planning permission it can be concluded on balance that the development would not increase the volume and phosphorus concentration of waste water.

## **6.3 Impact on Residential Amenity**

6.3.1 The only potential significant impact on any neighbouring dwellings is the addition of the balconies on the rear elevations which will project around 1.2m from the building line. Privacy panels to each side have been shown to screen views sideways between apartments. The building already benefits from multiple windows on the rear elevation and therefore the extent of additional overlooking as a result of the small balconies will be minimal and is not considered to harm local residential amenity. A condition is to be imposed to ensure the privacy screens are installed and retained in perpetuity. As such there is no conflict with LDP policies DES1 (d) and EP1.

## 6.4 Access / Highway Safety

### 6.4.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located close to the town centre of Abergavenny, which provides a wide range of services and amenities. There are schools within walking distance of the site, as well as shops and service functions. There is a public bus service that runs regularly to a variety of onward destinations with their own range of facilities. The site is in a highly sustainable location so that the occupiers of these apartments will be able to be less reliant on the private motor vehicle.

### 6.4.2 Parking

The Highway Authority have objected to the proposed development on the grounds of lack of parking. Monmouthshire Parking Standards would normally require one space per bedroom so for 4 x two bedroom flats, 8 spaces would be required. Due to the town centre location, Highways have advised that they would accept a reduction in this standard to one space per flat; so 4 spaces.

6.4.3 There is no off-road parking either currently available at the site or proposed given the physical constraints of the site. However, the existing residential property at 151 Park Crescent has been in use as a six-bedroom house of multiple occupation for about the past 40 years. As such up to 6 adults potentially all with their own vehicles have been in residence at any one time needing to park their cars on Park Crescent where parking restrictions allow, on neighbouring roads, or across the road in the car park that belongs to the local club.

6.4.4 In the proposed development, each of the flats will be less than 60m<sup>2</sup> in area. The floor plans show 2 bedrooms in each flat, one large and one small. It is expected that the second smaller room would be most likely to be used either as a home office or perhaps as a nursery / young child's room and therefore it is unlikely that the flats would regularly be served by 8 vehicles. As such the development of 4 small units does not materially alter the number of adults likely to live at the property nor increase either parking or road use in the local area. It would therefore be unreasonable to refuse the application on highway safety grounds as there is a negligible change between the existing permitted use and that proposed.

6.4.5 Notwithstanding the above justification to the objection from the local Highway Authority, both PPW11 and Future Wales provide support for the relaxation of parking standards in suitable locations (in this instance the site is within the Main Town of Abergavenny, a sustainable location, and it is considered appropriate to allow such a relaxation in this context).

### PPW 11

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

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

### Future Wales

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

*Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".*

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

6.4.6 Given the above, it is considered that whilst no off street parking is proposed, the development is acceptable due to its particularly close location to the town centre of Abergavenny and therefore its proximity to local amenities/facilities and access to public transport (both bus and rail).

6.4.7 In conclusion, Officers have given due regard to the advice provided by the Highway Authority as the relevant statutory consultee, but for the reasons detailed above, in particular the more recent policy and guidance set out in PPW11 and Future Wales, the development is considered to be acceptable.

## **6.5 Biodiversity**

6.5.1 It is understood that no works will be undertaken to the roof of the property. Following a review of the proposals and use of aerial imagery, the Council's Biodiversity Officer is content that sufficient evidence has been provided a Preliminary Roost Assessment for bats is not required for this application.

6.5.2 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". This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

6.5.3 In this case no details of biodiversity enhancements have been provided with the application submitted. As such, a site plan will need to be annotated to provide the location, positioning and specification of the net benefit measures. Should Members be minded to grant consent, a condition can be used to secure this (see Section 7 below).

## **6.6 Affordable Housing**

6.6.1 Policy S4 of the LDP requires that all new residential development contributes towards the provision of affordable housing in the local area. Where less than 5 new residential units are proposed, the development will need to contribute financially. As this is a change of use from a single unit to 4 separate residential units, the affordable contribution will be required for the 3 additional the properties. This is calculated at a rate of £120 x total floor area m<sup>2</sup> (x 58%). This should be secured via a Section 106 legal agreement. The applicant is aware of this requirement.

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

6.7.1 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.

## **6.8 Conclusion**

6.8.1 Abergavenny is identified in LDP Strategic Policy S1 as a main town. Policy H9 *Flat Conversions* sets out that proposals for the conversion of properties into flats within town and village development boundaries will be permitted subject to details.

6.8.2 The proposed external changes will preserve the character and appearance of the Abergavenny Conservation Area in accordance with LDP Policy HE1 with minimal alterations proposed to the main front elevation of the building and no extensions (other than small balconies).

6.8.3 Officers have given due regard to the advice provided by the Highway Authority as the relevant statutory consultee, however for the reasons detailed above, in particular the more recent policy and guidance set out in PPW11 and Future Wales, the development is considered to be acceptable without the expected level of off-street parking.

6.8.4 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (July 2022). It is considered that this development is unlikely to increase phosphate inputs as there will be no increase in waste water compared to the lawful use.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

A financial contribution for affordable housing in the local area calculated at a rate of (£120 x total floor area) x 58%. Payable upon occupation.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

### **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 Prior to the commencement of works, details of Biodiversity net benefit and enhancement measures must be submitted on plan, identifying location, positioning and specification which provides net benefit. The scheme shall provide for the future management and an implementation timetable. The scheme shall be submitted to an 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 policy NE1.

4 No development shall take place until details of the proposed new timber front door (including the colour it shall be painted) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON: To protect the character and appearance of the Abergavenny Conservation Area in accordance with LDP Policy HE1.



5 All 1.8m high privacy screens, as shown on drawing A009 and A008, shall be installed prior to the apartments hereby approved being brought into beneficial use and retained as such in perpetuity.

REASON: To safeguard existing levels of residential amenity and ensure compliance with LDP Policy DES1 (d) and EP1.

### **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.

This page is intentionally left blank

**Application Number:** DM/2023/00302

**Proposal:** Conversion of garage and linking to main residence to form additional accommodation

**Address:** 75 St Lawrence Park, Chepstow, NP16 6DQ

**Applicant:** Mrs Jane Wilson

**Plans:** All Existing Plans 100 - , Elevations - Existing 110 - , Location Plan - , Elevations - Proposed - Rev B, Proposed Floor & Site Location & Site Plan – Rev B.

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Alanna Jackson

Date Valid: 22.02.2023

**This application is presented to Planning Committee at the request of the Local Member.**

**This application seeks consent for an amendment/extension to an existing residential dwelling only. The Local Planning Authority are currently investigating a potential change of use/business operation from the site under case ref: E23/170, however this is a different matter that should have no bearing on the outcome of an application for a residential extension sought under a householder application.**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

The application site comprises a two-storey, detached dwelling with detached double garage located on St Lawrence Park, Chepstow a purpose built, no through residential development within the settlement boundary as shown on the proposals map of the Monmouthshire Local Development Plan (LDP). Vehicular access consists of a shared driveway with No 74 St Lawrence Park with the garage and double driveway separating No's 74 and 75.

### 1.2 Proposal Description

Planning permission is sought for the conversion of the garage to provide additional living accommodation, an extension is proposed to link the dwelling and garage to provide internal access and the height of the garage is proposed to be increased with dormers proposed within the roof space to provide additional living accommodation at first floor.

Concern was raised regarding the original submission due to its scale and subsequent impact upon the character and appearance of the existing dwelling and wider area and upon the living conditions of the occupiers of No 74. The revised submission has been submitted to overcome the concerns identified.

The proposed development would utilise the existing footprint of the garage for the conversion with the link extension infilling the 900mm gap between the dwelling and the garage in addition to the forward projection of 2.84m. The eaves height is proposed to increase from (approx.) 2.2m to 2.5m and the ridge height is proposed to increase from 4.3m to 5.6m (approx.) to accommodate the living accommodation at first floor with two dormers proposed in the front elevation and a larger box dormer proposed within the rear roof plane. The scale, design and position of the development is illustrated in full on the submitted drawings.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2012/00846	Proposed single storey rear extension and front entrance porch.	Approved	30.11.2012
M09686	Single Storey Rear Extension To Extend Kitchen	Approved	25.03.2004

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

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
SD4 LDP Sustainable Drainage

#### **Adopted Supplementary Planning Guidance**

Green Infrastructure April 2015  
Domestic Garages SPG (January 2013)  
Monmouthshire Parking Standards (January 2013)

### **4.0 NATIONAL PLANNING POLICY**

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

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

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

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Chepstow Town Council** - No response.

**Dwr Cymru – Welsh Water (DCWW)** - Approve subject to condition. The condition is that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**MCC Highways** - Objection. The Local Highways Authority objects due to the provision of parking spaces falling below MCC parking standards.

**Environment Health** - No response.

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

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

### 5.2 Neighbour Notification

This application was advertised by means of direct neighbour consultation and the erection of a site notice. Representations have been received both in objection and support for the proposal. The issues raised were as follows:

1. Use of the dwelling as a day care/nursery and the associated impacts including noise/traffic generation. Alleges that the extension is being constructed to accommodate an expansion of the business. Unauthorised signage for business.
2. The property has already been extended, the additional extensions are considered to result in an overdevelopment of the plot.
3. Loss of parking spaces and impact upon parking provision in the area and highway safety.
4. Non-compliance with covenants of deeds including the use of the land for business and changing of external materials (windows).
5. Side access being obstructed/fire safety concerns.
6. Impact upon the living conditions of neighbouring occupiers (loss of light, over shadowing, loss of privacy).
7. Devaluation of properties/impact upon saleability of properties.
8. Non-compliance with the Council's Infill SPG.
9. Disruption caused by construction.
10. Impact upon water supply/sewerage capacity.

### 5.3 Local Member Representations

Councillor Paul Pavia upon consultation for this application asked for it to be brought to Committee;

***“Given local residents concerns about the impact of this considerable conversion and extension project, I would like this application brought before the Planning Committee for further scrutiny.”***

## 6.0 EVALUATION

The application site is located within the settlement boundary as identified by the LDP and has an existing residential use. Accordingly, there is a presumption in favour of development incidental to the enjoyment of a dwelling house subject to the proposal satisfying relevant material planning considerations.

### 6.1 Good Design/ Placemaking

The garage/development site is located to the side of the dwelling and set back from the principal elevation therefore reducing its visual prominence within the street scene and, given the limited scale/height of the development it is not considered to have a significant impact upon the amenity or character of the area.

The eaves and ridge height of the garage are proposed to be increased to allow for the creation of living accommodation at first floor whilst keeping the overall height at a minimum. The level of increase is not considered to be significant or to warrant concern in terms of visual impact that would result in the withholding of planning consent. The proposed increased height would remain significantly lower than the main dwelling clearly demonstrating its subservience. The external materials are proposed to match those used in the existing dwelling and this is considered to be acceptable within the context of the site, allowing the development to assimilate well into the immediate area. It is, however, considered necessary to condition that the materials used in the external appearance of the dwelling match the existing dwelling. The front dormer features are not considered to result in any unacceptable adverse visual impact and are considered to sit well within the context of the site by drawing inspiration from the gable end features found above windows on the existing dwelling and others within the development. The rear dormer is not readily visible within the public realm and therefore it has not been possible to identify any unacceptable level of harm from its scale/design.

The proposed development is considered to be acceptable in terms of its scale and design avoiding any adverse visual impact that would warrant concern and no conflict with LDP Policy DES1 has been identified.

## **6.2 Impact on Residential Amenity**

The property considered to be most impacted as a result of the development is No.74 that neighbours the application site to the west. The development would not be sited any closer than the existing garage, however the increase in height will cause some impact. It is considered that the increase in height is of an acceptable level and has been designed to avoid any unacceptable overshadowing or overbearing impact. It is acknowledged that windows at first floor level will be located within closer proximity to the common boundary than those existing but given the relationship of the proposed development and the neighbouring property and the general level of overlooking within the area it is not considered that the proposal will have an unacceptable adverse impact upon the living conditions of neighbouring occupiers. As such, no conflict with LDP policies DES1 or EP1 have been identified.

Concerns in relation to scale and design were received from the public consultation in response to the proposal in its original form; it is considered that the revised scheme is acceptable and has overcome the concerns raised.

## **6.3 Access / Parking / Highway Safety**

The Local Highway Authority has been consulted on this application and raise an objection in relation to the loss of parking provision that will reduce onsite parking below the levels prescribed by the adopted Parking Standards (2013) which requires one parking space per bedroom to a maximum of three spaces. Therefore this dwelling would require three parking spaces to adhere to the adopted standards. However, the double garage as existing measures 5.3m X 5.7m falling short of the 5.5m x 6.0m as prescribed within the Supplementary Planning Guidance Domestic Garages 2013 and therefore cannot be counted towards the existing parking provision on site. Therefore, the current parking provision on site is two driveway spaces. An additional objection from Highways has been received in relation to the proximity of the proposed forward link extension and the impact upon the driveway as, "The minimum dimensions of car parking spaces are 4.8m x 2.6m. Spaces directly adjacent a wall or raised kerb should be a minimum width of 3.0m". Given that the existing driveway has a width of less than 5.0m the existing driveway does not meet the current standards. These standards cannot be retrofitted to developments constructed prior to their adoption. Furthermore, permitted development rights were not removed from this property and therefore a side extension could be built on the land adjacent to the

driveway without the need for planning consent - significant weight has been applied to this reasonable fall-back position in the assessment of this application.

Notwithstanding the above justification to the objection from Highways, both PPW11 and Future Wales provide support for the relaxation of parking standards in suitable locations;

### PPW11

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

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

### Future Wales

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

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

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

Given the above it is considered that the proposed reduction of onsite parking provision is acceptable due to the location of the dwelling within the settlement boundary in close proximity to local amenities and with good access to public transport.

## **6.4 Biodiversity**

Policies GI1 and NE1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. Such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. A no such features have been proposed an appropriately worded condition will be attached to the decision notice, should consent be granted.

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

A number of representations have been received objecting to the proposed development, the main issues/themes have been picked out and will be addressed in turn below;

1. Use of the dwelling as a day care/nursery and the associated impacts including noise/traffic generation. Alleges that the extension is being constructed to accommodate an expansion of the business. Unauthorised signage for business.

This application has been submitted as householder/residential development and does not seek a change of use of the premises. There is a presumption in favour of development incidental to the enjoyment of a dwelling house subject to material planning considerations. It is beyond the scope

of this application to consider a change of use of the premises; this alleged change of use is being investigated by the enforcement function of the Local Planning Authority and should a breach be identified the owner/occupier of the dwelling will either be invited to submit a planning application for assessment or the breach will progress via the normal channels to remedy breaches of planning control. Impacts associated with the use of the premises as a day care facility have been identified, including noise from children and additional traffic generation, the impact of this use will be considered as part of the enforcement investigation but is not a matter for this application.

2. The property has already been extended, the additional extensions are considered to result in an overdevelopment of the plot.

Previous applications M09686 for a single storey rear extension to extend the kitchen and DC/2012/00846 for a proposed single storey rear extension and front entrance porch were submitted to and approved by the Local Planning Authority. The proposed development has been considered upon its merits within the existing context of the site. It is not considered that the proposed development would result in an overdevelopment of the plot nor would the development result in an unacceptable impact upon the character/amenity of the area as a result of the proposal. The development proposes to utilise the area between the dwelling and existing garage and the space above, this is not considered to result in overdevelopment.

3. Loss of parking spaces and impact upon parking provision in the area and highway safety.

The existing parking provision in the form of double driveway and double garage does not meet the required standards as set out in the adopted parking standards or within the SPG relating to domestic garages. As the dwelling was constructed prior to the adoption of the standards they cannot be applied retrospectively. Given that the dimensions of the existing parking spaces do not meet the space standards as adopted it is not considered there is sufficient grounds to refuse the application on the basis of a loss of parking provision on site as the existing spaces cannot be counted as seen i.e. the existing provision of 4 spaces does not meet the size requirements to be counted as 4 spaces.

4. Non-compliance with covenants of deeds including the use of the land for business and changing of external materials (windows).

This is a matter outside of the Town & Country Planning Act covered by separate legislation and therefore has been given no weight in the assessment of this application.

5. Side access being obstructed/fire safety concerns.

This is not a matter that the Local Planning Authority would have any control over, and therefore has been given little weight in the assessment of this application.

6. Impact upon the living conditions of neighbouring occupiers (loss of light, over shadowing, loss of privacy).

The impact upon the character and appearance of the area and the impact upon the living conditions of neighbouring occupiers as a result of the proposed development have been considered within a separate section of this report and are deemed to be acceptable.

7. Devaluation of properties/impact upon saleability of properties.

This is not a material consideration in the assessment of a planning application and therefore has been given no weight in the assessment of this application.

8. Non-compliance with Infill Development SPG November 2019.

This SPG relates to the construction of new dwellings, not residential extensions and therefore is not applicable in the assessment of this application.

9. Disruption caused by construction.



An element of disruption is to be expected with any level of development and this is not a sufficient reason to withhold planning consent. Given the limited scale and nature of the proposed development it is not considered necessary to obtain further information on means of construction.

#### 10. Impact upon water supply/sewer capacity

The proposed development by virtue of its limited scale and given the existing context of the site is not considered to result in any unacceptable impact upon the water supply or sewerage facilities within the area. Dwr Cymru Welsh Water have been consulted on this application and raise no objection subject to a condition pertaining to surface water/land water drainage.

### **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**

For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

### **7.0 RECOMMENDATION: APPROVE**

#### **Conditions:**

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

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

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

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

3 The materials and finishes of the external surfaces of the walls and roof of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of existing buildings(s) and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

4 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

5 Prior to the commencement of works, details of Biodiversity net benefit and enhancement measures must be submitted on plan, identifying location, positioning and specification which provides net benefit. The scheme shall provide for the future management and an implementation

timetable. The scheme 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 policy NE1.

## **INFORMATIVES**

1 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) 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. Natural Resources Wales (NRW) (0300 065 3000).

2 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**Application Number:** DM/2023/00550

**Proposal:** Retention of and completion of proposed first floor rear extension

**Address:** Celebration Cottage, Candwr Road, Ponthir, Monmouthshire, NP181HU

**Applicant:** Nathan Hennah

**Plans:** Floor Plans - Existing MSP 3750.02 - , Elevations - Existing MSP 3750.03 - , Elevations - Existing MSP 3750.04 - , Floor Plans - Proposed MSP 3750.05 - , Elevations - Proposed MSP 3750.06 - , Elevations - Proposed MSP 3750.07 - , Location Plan MSP 3750/01

## **RECOMMENDATION: APPROVE**

Case Officer: Alice King  
Date Valid: 06.04.2023

**This application is presented to Planning Committee following referral from the Council's Delegation Panel**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application is in relation to a detached two-storey dwelling known as Celebration Cottage and is located along Candwr Road, Ponthir. The property is not a listed building, and for the purposes of the adopted Local Development Plan (LDP) the site is located outside of any defined or physical settlement boundaries and is therefore considered to be in open countryside.

#### 1.2 Value Added

The applicant has provided amended plans that would see planting within the residential curtilage. This would be an acceptable ecological enhancement to provide for biodiversity net gain.

#### 1.3 Proposal Description

Planning permission is sought for the retention of and completion of a proposed first floor rear extension. The submitted drawings (Ref: MSP 3750/01) detail 3 off street parking spaces and an associated turning area. For the purposes of clarity under Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse would qualify as Permitted Development. In this instance also the hard surface would not be situated forward of the principal elevation of the dwellinghouse.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/01108	Creation of pool and pool house as per pre application advice.	Approved	21.07.2021

DC/1991/00227	Replacement Of Flat Roof Over 2 Storey Extension With Pitched Roof.	Approved	12.04.1991
DC/1980/00425	Erection of Dwelling	Refused	03.07.1985
DC/1990/00205	Garage/Utility Single Storey Extension.	Approved	03.04.1990

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

#### **Strategic Policies**

S16 LDP Transport  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
H6 LDP Extension of Rural Dwellings

### **4.0 NATIONAL PLANNING POLICY**

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

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

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

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

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

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Llangybi Fawr Community Council** - Object to the application noting the following issues:

1. Contrary to Policy H6 with regards to volume calculations.
2. Overbearing.
3. Parking.
4. Loss of privacy.

**MCC Highways** - No Objections.

**MCC Biodiversity** - No objections, subject to conditions.

**MCC SAB** - SuDS approval is required if the total construction area of your development is 100m<sup>2</sup> or more. Total construction area is defined as anything that covers land (inclusive of driveways, patios, parking areas etc.). It also includes any construction work that replaces an existing building. More information can be found on our website.

SEWBRc Search Results - No significant ecological record identified.

### 5.2 Neighbour Notification

Two neighbour objections have been received which covers the following:

- Impact on character and appearance of the area and the dwelling.
- Increase in traffic / amount of parking on site.
- Overdevelopment of the site.
- Biodiversity impacts
- Increase in noise.

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

### 5.3 Other Representations

No comments to date.

## **6.0 EVALUATION**

### **6.1 Good Design**

6.1.1 As noted in para. 1.1 of this report the application site is located within the open countryside and as such LDP Policy H6 - Extension of Rural Dwellings is applicable. The aim of this policy is to protect the character of the countryside and as such, extensions to dwellings outside village boundaries should be modest and respect or enhance the appearance of the existing dwelling.

6.1.2 Policy guidance is contained within the Supplementary Planning Guidance (SPG) on Replacement Dwellings and Extensions to Dwellings in the Countryside, which was adopted under the Monmouthshire UDP and has been carried forward to support this policy.

6.1.3 The SPG provides detailed guidance on the extent of the volume increase for an extension to a dwelling; this is detailed in para. 3.2 of the SPG:

*With regard to the size of any new extension to rural dwellings, 'modest' will normally be interpreted as being an increase in the overall volume of the dwelling of 30% over the size of the existing dwelling. A larger volume will not normally be allowed unless it can be clearly demonstrated either that there will be no harmful intrusive impact in the landscape through the increased size of the dwelling or that there is an enhancement in the appearance of the existing dwelling, subject, in any event, to the increase in volume being no more than 50%.*

6.1.4 It is important to note that the SPG also provides clarity on defining the existing dwelling and at what date this is taken from. Para. 9.2 of the SPG confirms that 'existing' is taken to be the habitable accommodation of the dwelling as it existed on 22 June 2006, the date that the UDP was adopted and when the UDP policies equivalent to LDP Policies H5 and H6 first became operational. Proposals to extend or replace any dwelling that has had an extension completed after this date will be assessed on the basis of the size of the dwelling prior to 22 June 2006. Any dwelling that has an extension completed after 22 June 2006 or is permitted under Policy H6 and in accordance with these guidelines, therefore, is unlikely to be suitable for further extension or an enlarged replacement dwelling unless the new works, when added to those carried out earlier, still fall within the size limits set out in this section of the SPG.

6.1.5 Celebration Cottage has not had any extensions post 2006, therefore an extension of up to 30% can be considered acceptable in principle and would be policy compliant. The first-floor extension proposed as part of this application would see a volume increase of approximately 24% and therefore accords with the size criteria of Policy H6.

6.1.6 Notwithstanding the above, numerical compliance with the volume parameters set out within the SPG is not in isolation sufficient to comply with the aim of Policy H6. The first-floor extension proposed is considered acceptable and will be constructed in materials matching the existing cottage so as to meet the relevant criteria of H6. The existing dwelling (as defined by the SPG for H6) is already a sizeable dwelling and therefore one can only consider any additional impact caused by the proposed first floor addition. Officers are satisfied that the proposed extension would still read as subordinate to the existing dwelling and would not fail to protect the character of the wider open countryside.

6.1.7 It is considered that the design, scale, materials and proportions of the proposal are acceptable and comply with Policy H6. The proposed extension will not detract from the appearance of the existing dwelling. The lower roofline and the fact it is to the rear will help to ensure that the form of the original cottage can still be read as the primary element. It is considered that the proposal will not have a harmful or intrusive impact on the landscape. Therefore, it is considered to meet the relevant criteria of policies DES1 and H6 of the adopted Local Development Plan (LDP).

## **6.2 Impact on Residential Amenity**

6.2.1 Criterion (d) of Policy DES1 of the LDP sets out that development will be required to "maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties". Further to this Policy EP1 also asserts that development should "have regard to the privacy, amenity and health of occupiers of neighbouring properties."

6.2.2 In this instance, whilst the dwelling is located within the open countryside there are a number of neighbouring properties in the vicinity of the application site, namely:

The Cottage - Located to the east  
High View - Located to the north  
Little Acre - Located to the west.

6.2.3 In respect of Little Acre, the boundary-to-boundary distance of this property with the application site is approximately 110m. Therefore, whilst the western elevation would feature both

a balcony and upper floor habitable windows, owing to the significant intervening distance the proposal would maintain reasonable levels of privacy and amenity for Little Acre.

6.2.4 The proposed first floor extension would not increase the overall footprint and therefore the resulting dwelling would be no closer to High View to the north than it is in situ; the separation distance here is approximately 73m. Thus, the distance is such that the side of the balcony area (to the north) for which permission is sought would not fail to maintain reasonable levels of privacy and amenity for High View.

6.2.5 The property to the east, The Cottage, shares its side boundary with the application site. Whilst the dwelling that is subject to this application sits to the south of the plot, the neighbouring dwelling, (The Cottage) is positioned at the opposite end sitting to the north of its plot. The distance between the buildings (which as stated previously would not be altered given the nature of the extension proposed) is approximately 40m. Whilst three new window openings would be provided at first floor level in the eastern elevation, facing towards the bottom of the garden of The Cottage, none of the windows proposed would serve habitable rooms (2 x landing/hallway and 1 x stairwell). In respect of window-to-window distance, therefore, not only is the distance between the dwellings well in excess of 21m, the orientation of the two dwellings mean that the angle of view would be acute. With regard to the distance of the proposed upper floor windows to the boundary of The Cottage, the distance varies between approximately 5m - 6m. Whilst the Local Planning Authority does not have an adopted SPG in respect of householder development, guidance can be found within the adopted document for Infill Development (November 2019).  
Of relevance is para. 7.8 of the SPG which states:

*Where the proposed rear principal elevation (with habitable windows) is not aligned with the side elevations of the neighbouring property, it is normally required that there should be at least 10m from the rear principal elevation of the infill development to the side boundary of the neighbouring property.*

6.2.6 In this instance whilst the distance of the windows to the boundary is less than 10m, the key material issue here is that the windows proposed are *not* habitable windows. Therefore, one must consider and give appropriate weight in respect of how these three new windows would reasonably be used. Given their primary purpose of providing light to the upstairs landing/stairwell it is not considered that they would give rise to unacceptable loss of privacy or overlooking.

6.2.7 Concerns have also been raised in respect of the proposed first floor extension having an overbearing impact on the property to the east, The Cottage. However, owing to the distance between the dwellings (approx. 40m) officers are satisfied that whilst the ridge height of the existing single storey extension is being raised, this would not result in an overbearing impact on The Cottage. Indeed, having regard to transferable guidance set out within the Infill Development SPG this states that to avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows. Therefore notwithstanding the rural location, where the predominant character of the area exhibits greater separation distances, such is the distance between the dwellings officers are satisfied the proposed extension would not be overbearing.

6.2.8 Accordingly having regard to the above, the proposed first floor extension is considered to adhere to the relevant criteria of policies DES1 and EP1 of the LDP.

### **6.3 Access / Highway Safety**

6.3.1 The application proposes the use and improvement of an existing rear access (field gate) directly off route C201.13, an unclassified highway (Green Lane).

6.3.2 The means of vehicular access off route C201.13 is existing, and the proposed changes to the access are an improvement over the existing. The provision of the three car spaces and the provision of a turning area enable vehicles to access and egress in a forward gear. The use of the proposed off street parking provision is considered a significant improvement to the existing access and tandem parking provision that currently exists directly off Route R105.

6.3.3 Route C201.13 is an unclassified road (Green Lane) that provides access to a number of residential properties, Isca Livery Stables, agricultural buildings, and fields. The increase in vehicle movements associated with the proposal is not considered significant. The Highway Authority offers no objection noting an improvement and is not considered to be detrimental to the safety and capacity of the immediate highway network.

## **6.4 Biodiversity**

6.4.1 Natural Resources Wales (NRW) has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition. This site however is not within a SAC catchment area.

6.4.2 Following a review of submitted proposals and photos and use of Google Street map, MCC's Ecologist is content that sufficient evidence has been provided and a further Preliminary Roost Assessment is not required for this property. Any lighting proposed for the property will need to be considered carefully and ensure no detrimental impacts on nocturnal species including bats. A condition in respect of lighting is also to be imposed at the request of the Council's Ecologist to safeguard foraging/commuting habitat of Species of Conservation Concern.

6.4.3 In addition to this it is also considered necessary to condition protection of vegetation clearance between March and August.

6.4.4 Planning Policy Wales (PPW) 11 sets out that "the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement" (para 6.4.3). Enhancement measures have been suggested within the application to include landscape planting within the garden as shown on the Location and Block Plan drawing no; MSP 3750/01 by The Musker Sumner Partnership dated April 2023. Full details of the species to be planted and a timetable for the implementation and management can be secured via an appropriately worded planning condition.

6.4.5 Therefore having regard to the advice of the Council's in house Ecologist and the employment of planning conditions the development is considered to adhere to the requirements of LDP Policy NE1.

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

6.5.1 A number of the material planning considerations raised within the correspondence received by third parties and Llangybi Fawr Community Council have been addressed above. However, for the sake of clarity issues noted below are commented upon.

6.5.2 **Overall Size/Appearance/Landscape** The proposed size, scale and design of the extension are considered to be entirely appropriate for the context of the site. The dwelling has already been extended within its lifetime, however for the purposes of the consideration of Policy H6, these extensions were erected prior to 2006; therefore the dwelling could in principle be extended by up to a 30% volume increase. The addition of a first-floor extension above the existing rear extension is considered to be acceptable, the volume increase of the extension is approximately 24%. Therefore, the proposal is not considered to be an overdevelopment of the site, the footprint will not be increased as it is a first-floor extension.

6.5.3 With regards to the site appearing overly domesticated, as said above, the cottage itself has previously been extended, including the addition of outbuildings; as a result it has lost the traditional elements of a rural cottage and therefore the addition of a first-floor extension is not considered to cause any unacceptable harm to the existing dwelling and its surroundings.



**6.5.4 Highway Safety** Route C201.13 is an unclassified road (Green Lane) that provides access to a number of residential properties, Isca Livery Stables, agricultural buildings, and fields. The increase in vehicle movements associated with the proposal would not be significant. Concerns have been raised about possible traffic congestion; the development in itself is not considered to give rise to such an increase in traffic - it will remain a single dwelling. It is accepted that there may be some disruption and additional vehicular movements during the construction period, but the impacts of these would only be temporary.

**6.5.4 Privacy/Noise** The windows on the eastern elevation will cause no unacceptable adverse impacts on the surrounding dwellings. A small section of The Cottage's rear garden will be partially visible from the proposed rear elevation windows, but the windows will serve non-habitable rooms.

**6.5.5** In respect of noise, Officers are satisfied that the proposed development (a first-floor rear extension) would not result in an intensification of use at the size so as to lead to an unacceptable increase in noise. The existing rear garden area can already be used for outdoor activities incidental to the use of the dwelling, whilst the provision of hard surfacing to the rear (adjacent to the dwelling The Cottage) can be provided under Permitted Development. Any unreasonable use of the dwelling or its garden area that would result in a statutory noise nuisance falls within the remit of the Council's Environmental Health Department.

**6.5.6 Biodiversity** This consideration is discussed in full in paragraph 6.4 of this report and no further commentary is considered necessary.

## **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** For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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 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 shall only proceed in accordance with the approved details and shall be retained as such thereafter.

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.

3 No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds 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 shall be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended)

4 Notwithstanding the approved drawing MSP 3750/01 a detailed scheme of Ecological Enhancement identifying location, positioning and specification to provide biodiversity net benefit shall be submitted to the Local Planning Authority for approval in writing within one month of the date of this decision. The scheme shall provide for the future management and set out an implementation timetable. The development shall only proceed in accordance with the approved plans and timetable and shall be retained as such thereafter.

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

## **INFORMATIVES**

1 All birds are protected by the Wildlife and Countryside Act 1981. 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 birds is between March and September.

2 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m<sup>2</sup> of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01495 768306

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

3 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.



This page is intentionally left blank



## Appeal Decision

---

by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19.06.2023

Appeal reference: CAS-02306-S2G0W5

Site address: Vern Cottage, 16 Castle Parade, Usk NP15 1AA

---

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Julie and Peter McGowan against an Enforcement Notice (“the Notice”) issued by Monmouthshire County Council.
  - The Notice, numbered E22/210, was issued on 4 October 2022.
  - The breach of planning control as alleged in the Notice is ‘*Removal of chimney in Conservation Area*’.
  - The requirements of the Notice are: ‘*The chimney as shown in Appendix A shall be reinstated to match the photographs as shown in Appendix B prior to demolition. The chimney shall be constructed in materials which must so far as practicable match the appearance of the materials used in the original chimney as shown in Appendix A. The chimney shall be constructed in brick with a projecting stepped brick banded coursing at the head of the chimney. The chimney shall be 2.5m wide and 0.5m long with a height of 2m*’.
  - The period for compliance with the requirements is 10 months from the date the Notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 as amended.
  - A site visit was made on 31 May 2023.
- 

### Decision

1. The appeal is allowed on ground (a) and the Notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the removal of a chimney in the Conservation Area at Vern Cottage, 16 Castle Parade, Usk NP15 1AA referred to in the Notice.

### The appeal on ground (e)

2. An appeal on ground (e) is that the notice was not properly served on everyone with an interest in the land, as required by s172 of the Act. Nonetheless, section 176(5) permits failure to serve any person to be disregarded if neither they nor the appellant have been substantially prejudiced by that failure.

3. The appellants argue that as the chimney the subject of the appeal was shared with 14 Castle Parade, the Notice ought to have been served on the owner of this adjoining property.
4. The Council has confirmed that the Notice was served on 4 October 2022 by recorded delivery to all interested parties, including the owner of No 14. However, the Council was subsequently informed by Royal Mail that the correspondence had not been signed for by the owner. Consequently, the Notice could not be delivered.
5. It seems to me that the Council met its requirement to serve the EN on all interested parties. That the owner of No.14 failed to receive the letter sent by recorded delivery, and thus did not fully engage with the process, does not mean that the Council did not make a reasonable attempt to do so.
6. In this context, I must consider whether the owner of No.14 has been substantially prejudiced by the failure to receive the Notice. The appellants state that they had a verbal agreement with the owner of No.14 and that he was happy for the chimney to be removed. Whilst his representations to this appeal substantiate that position, he does not advance the ground (e) appeal or claim that he has been prejudiced in any way by having not received the Notice. Rather, he is clearly aware of its existence and has taken the opportunity to comment on the planning merits that I am already considering under the ground (a) appeal.
7. In any event, there is no evidence from either the appellants or the owner of No.14 that there has been substantial prejudice; only a technical failure to serve the Notice is alleged rather than an indication that other grounds would have been pleaded. Hence the onus of proof has not been discharged. The appeal on ground (e) therefore fails.

#### **The appeal on ground (a) / deemed planning application**

8. An appeal on ground (a) is that planning permission should be granted. The main issue is whether the proposal preserves or enhances the character or appearance of the Usk Conservation Area (CA), with particular regard to the removal of the chimney.

#### *Reasons*

9. The appeal property lies on the north-eastern extremity of the CA, on the main approach into Usk from the A472 highway. I accept that the appeal property is not only the first dwelling in a small, terraced row, but also the first building that one encounters on entering the CA by a main highway. When read in the context of the openness of the side of the plot, together with the set back of the fire station to its north-east, this property could be described as highly visible from a main approach into the CA.
10. Hence, with reference to the '*Usk Conservation Area Appraisal and Management Proposals*' ("the CA Appraisal"), the Council asserts that the removal of the chimney fails to respect the character and distinctiveness of the terrace and the form of the dwelling, such that it represents the loss of a feature that is appropriate to its setting. It argues that as the appeal property is part of a terraced group of a single design, detrimental change not only affects the integrity of the host building but the cohesiveness of the group.
11. From my reading of the CA Appraisal, I understand that the CA is divided into 9 distinct Character Areas, each with its own key attributes. The appeal site lies in Character Area 5: Castle & Castle Parade, with over half of it made up of the Usk Castle Scheduled Monument. In terms of Castle Parade itself, the CA Appraisal states that the houses form a loose group of buildings that are disparate and diverse in their character; it describes houses of a modest two storey scale (with occasional exceptions), a mix of ridge lines parallel to the street and small and large gables. Meanwhile, it states that the houses to

the north-west side are set slightly higher off the street accentuating their scale. The building line varies along Castle Parade with some houses to the back of pavement and others set back in gardens. The houses are predominantly, and unusually for the CA, red brick. Roofs are natural slate, generally seen at low pitches.

12. In that context, and based on my observations at the site visit, I find that the character of this part of the CA varies overall, with commonality mainly found in scale and elements such as external finishes, notwithstanding the anomalous rendered finish of the appeal property in the terraced row. Whilst I do not dispute that this row of terraces is likely to have been of a relatively uniform design originally, there have nonetheless been a number of changes to the individual dwellings, including to the windows, door detailing and decoration. The most significant change to the row, however, is at the appeal site where a large two storey extension is clearly visible from the main approach into the CA. Although I saw that a single chimney remains on the south-westernmost end terrace only, its shape, height and position differs from that which was removed from the appeal property (which is still shown in-situ in the submitted photographs). Similarly, there are no chimneys on two of the red brick, detached properties directly opposite the terrace, which also form part of the approach into the CA. Consequently, I am of the view that in this part of the CA, features such as chimneys, or the part they play in the roofscape, make little contribution to its special character and appearance.
13. I have also had regard to the appellants contention in their grounds of appeal that the removed chimney was not the original, and that the Council's Heritage Officer confirmed this to be the case in the early stages of making a planning application. The Council has not made any written representations on this point and I am therefore uncertain of the basis on which it sought a replacement, non-functioning, replica as part of the previous planning application.
14. Be that as it may, I appreciate that the row of terraced dwellings may have originally benefitted from chimneys, and thus their retention would respect their traditional and historic character. However, there is no substantive evidence before me which convinces me that the chimney the subject of the appeal is one such example or, if it was poorly constructed and added to this property at a later date, that it made any significant contribution to the character and attractiveness of the host building.
15. It is for these reasons that I cannot conclude that the removal of the chimney has compromised a defining feature of this part of the CA or that it has failed to preserve the character and appearance of the CA. Hence, I do not find conflict with Policies HE1 or HE2 of the adopted Monmouthshire Local Development Plan (LDP) 2014, which *inter alia* require development in CAs to have regard to the CA Appraisal for that area, thus preserving the character and appearance of the area, having no serious adverse effect on significant views, vistas and setting, and taking into the account the desirability of retaining historic features and details. It would also meet the requirements of LDP Policy DES1 to respect the local character and distinctiveness of Monmouthshire's historic environment.

### Conditions

16. The Council has indicated in its questionnaire that the condition relating to a standard time limit for the commencement of development is attached to any planning permission granted. Given that the chimney has already been removed it would be neither necessary nor reasonable to do so having regard to the tests outlined in Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.

## Conclusions

17. In conclusion, I am satisfied that the removal of the chimney has not offended the duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, or conflicted with LDP policies which seek the same. Accordingly, the appeal is allowed, the Notice is quashed and planning permission is granted on the application deemed to have been made.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

*Melissa Hall*

Inspector