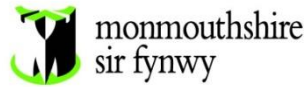


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 29 April 2024

Notice of meeting:

Planning Committee

Wednesday, 8th May, 2024 at 2.00 pm
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 - 4
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2020/01438 - Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure. Land off Ty Gwyn Road, Little Mill, NP4 0HU.	5 - 26
4.2.	Application DM/2024/00206 - A lawful development certificate for the proposed use of the property as a Supported Living home for 5no. elderly persons (C3 use class). 28 Jasper Tudor Crescent, Llanfoist, Monmouthshire, NP7 9AZ.	27 - 36
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Rose Cottage, Grange Wood, Knollbury, Magor.	37 - 38
5.2.	Wisteria Lodge, Sandy Lane, Caerwent Brook, Caerwent.	39 - 44
6.	Planning Appeals received - 1st January to 31st March 2024.	45 - 46

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 Sara Burch	Cantref;	Labour and Co-Operative Party
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
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

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

Objectives we are working towards

- Fair place to live where the effects of inequality and poverty have been reduced.
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency.
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop.
- Safe place to live where people have a home where they feel secure in.
- Connected place where people feel part of a community and are valued.
- Learning place where everybody has the opportunity to reach their potential.

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) edition12
- 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 Habitat & Species Regulations 2017

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Climate Emergency

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

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

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

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

Content of the Speeches

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

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

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

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

Procedure at the Planning Committee Meeting

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

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

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

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

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 5th March, 2024 at 2.00 pm**

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

County Councillors: Jill Bond, Fay Bromfield, Sara Burch, Jan Butler,
Tony Easson, Steven Garratt, Meirion Howells, Su McConnel,
Jayne McKenna, Maureen Powell, Sue Riley and Ann Webb

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

County Councillors Emma Bryn and John Crook

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 6th February 2024 were confirmed and signed by the Chair.

3. Application DM/2020/00400 - Construction of a 1km closed road cycle track, vehicle access and car parking. Land Adjoining Racecourse Farm & Llanfoist Waste Transfer Station Transfer Station, Abergavenny NP7 9LQ

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

This application had been presented to Planning Committee on 1st March 2022 and had been approved subject to a full Appropriate Assessment (AA) concluding that features of the River Usk Special Area of Conservation (SAC) will not be adversely affected by the development and will be subject to the conditions outlined in the report and as revised in late correspondence.

[https://www.youtube.com/live/IzmlLQ2Gemk?si=zx8dShWoOIFINSs &t=93](https://www.youtube.com/live/IzmlLQ2Gemk?si=zx8dShWoOIFINSs&t=93)

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 5th March, 2024 at 2.00 pm

In noting the detail of the application and the views expressed, it was proposed by County Councillor Maureen Powell and seconded by County Councillor Jan Butler that application DM/2020/00400 be approved subject to the revised conditions outlined in the report and the appropriate Habitat Regulations Assessment (HRA).

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00400 be approved subject to the revised conditions outlined in the report and the appropriate Habitat Regulations Assessment (HRA).

4. Application DM/2023/01329 - Change of Use of Glebe Bungalow to C3 dwellinghouse from Annex and Holiday Let granted permission under DC/2007/00778 and DC/2017/01200. Glebe Bungalow, Llantilio School Road, Llantilio Pertholey, Abergavenny, NP7 6NU

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

This application had been presented to Planning Committee on 10th January 2024 with a recommendation for refusal. However, the Committee had been minded to not agree with this recommendation and accordingly the application is represented for approval subject to the conditions outlined in the report.

<https://www.youtube.com/live/lZmLQ2Gemk?si=1rCr-rG0r1K5BtW5&t=1084>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Sue McConnel and seconded by County Councillor Fay Bromfield that application DM/2023/01329 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/01329 be approved subject to the conditions outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 5th March, 2024 at 2.00 pm**

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

5.1. The Cedars, Chapel Lane, Pwllmeyric

We received the Planning Inspectorate report which related to an appeal decision following site visits that had been held at The Cedars, Chapel Lane, Pwllmeyric on 17th and 31st January 2024.

We noted that the appeal had been dismissed.

<https://www.youtube.com/live/IzmlQ2Gemk?feature=shared&t=1250>

The meeting ended at 2.25 pm.

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Application Number: DM/2020/01438

Proposal: Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure

Address: Land off Ty Gwyn Road, Little Mill, NP4 0HU

Applicant: Jones Bros c/o Agent

Plans: Landscaping Plan DETAILED SOFT LANDSCAPE PROPOSALS - Rev C, Other SITE SURVEY - , Site Layout 2414 00 (02)101 REV F - , Floor Plans - Proposed 2418 (03)-202 REV A - , Floor Plans - Proposed 2418-(03)-200 REV B - , Floor Plans - Proposed 2418-(03)-201 REV A - , Floor Plans - Proposed 2418-(03)-204 - , Elevations - Proposed 2418-(03)-300 REV B - , Elevations - Proposed 2418-(03)-301 REV B - , Elevations - Proposed 2418-(03)-301 REV B - , Elevations - Proposed 2418-(03)-304 REV B, Site Sections 2418-630 - Rev A

RECOMMENDATION: APPROVED SUBJECT TO HABITATS REGULATIONS ASSESSMENT AND SECTION 106 AGREEMENT

Case Officer: Ms Kate Bingham
Date Valid: 09.10.2020

This application is presented to Planning Committee due to 5 or more objections being received

1.0 APPLICATION DETAILS

1.1 Site Description

The application site is a parcel of land adjacent to the village of Little Mill, accessed off Ty Gwyn Road. Little Mill is a village largely comprising of dwellings with some local facilities situated in the south of the village on Berthin Road, including a public house, a church, village hall, multi-use games area, equipped play area and recreation ground. In addition, there are bus stops providing services to Cwmbran/Pontypool and Chepstow.

There are residential properties to the south of the site, a railway line to the north-west and open grazing land to the north and east. This grazing land forms the remainder of the field parcel of which the site forms a part, and is also within the control of the applicant.

The site as existing is open grazing land that slopes gently downwards from the railway line, in a north-west to south-east direction. The site's boundary with the railway line comprises mature trees and hedgerows, while the boundary with residential properties to the south comprises of their rear boundaries.

The site is allocated for the development of up to 15 dwellings in the LDP, 60% of which are to be delivered as affordable housing units. The application site is relatively small, extending to 1.84 acres (0.74 ha). However, the applicant has secured an interest in the wider field parcel situated between Ty Gwyn Road and Ty Draw Lane. This additional land is proposed to be used to accommodate a drainage basin, pumping station, electricity sub-station and strategic landscaping.

1.2 Value Added

Extensive pre-application consultation and engagement has been undertaken to ensure the acceptability of the proposed development. This has included two meetings with the Council and

the carrying out of the statutory pre-application consultation (PAC) process with the local community. Through pre-application dialogue, Planning Officers confirmed that certain supporting infrastructure and associated development could be included outside of the allocated site's boundary. This includes drainage infrastructure, a substation and strategic landscaping. All 15 dwellings and 'usable' aspects of the development are included within the site allocation boundary.

Concerns raised at pre-application stage related to biodiversity gain, the inclusion of SuDS within the streetscape as well as how the swale links to the proposed basin and the landscape proposals around the pumping station and substation.

In response to this the layout was revised to include a strategic landscaping buffer to screen the proposed pumping station and substation, and the buffer was also extended around plots 4 – 11, thus creating a defensible boundary.

1.3 Proposal Description

The application seeks permission for 9 no. affordable dwellings and 6 no. open market dwellings comprising the following house types:

- 6 x 4-bedroom detached houses (open market) labelled as Humberstone on the drawings
- 4 x 3-bedroom semi-detached houses (affordable)
- 3 x 2-bedroom semi-detached houses (affordable)
- 2 x 2-bedroom walk-up flats (affordable)

Access will be via a continuation of Ty Gwyn Road, with residential development either side. A turning head is proposed to allow residents and refuse vehicles to enter and exit the site. Off road parking is proposed for all properties. Overhead power lines cross the site and a grounding solution is therefore proposed.

Landscaping buffers are proposed around the residential dwellings and adjacent drainage infrastructure. A substation is also proposed on the periphery of the allocated site within the landscape buffer. Agricultural fencing will bound these areas to ensure the continued agricultural use of the remainder of the field.

The land owner has entered into an agreement with Pobl Group to deliver the scheme. The open market units will be marketed for sale by Pobl Living and the social rented units will be owned and managed by Pobl.

The application has been held in abeyance since February 2021 due to the River Usk failing Phosphate targets.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/01438	Development of 15 dwellings (including 9 affordable and 6 open market) and other associated development and infrastructure.	Pending Decision	

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
- S16 LDP Transport

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Drainage
GI1 LDP Green Infrastructure
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 12

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Goytre Fawr Community Council - Concerns raised:

On review of the PAC in May 2020, the following comments were submitted to the developer:

- a) On plot car parking mostly consists of in tandem parking which is likely to result in more on road parking to avoid frequent car swapping on drives. A side by side parking arrangement in front of properties would work better. The inclusion of layby(s) for visitors would also improve the development and minimise congestion / obstruction.
- b) If not included, provision should be made for the later easy installation of e-vehicle charging points.
- c) The proposal should consider the inclusion of climate change mitigation measures such as heating assisted by ground / air heat pump, solar panels, etc. technologies, thus limiting the use of fuels such as gas, oil, bio-fuels etc.
- d) The SuDS surface water management plan was well taken by the review group, and praised.
- e) The site boundary should be extended to allow the inclusion of communal green spaces, play area, allotments / orchard etc. and to allow integration with existing play area at the end of Melyn Bach Avenue.
- f) There appears to be an overhead power line crossing the development site, this should be rerouted or otherwise run underground. No overhead services should be used on the site.
- g) Houses at the entrance to the development should follow the building line of existing residences.
- h) During construction temporary solid fencing should be used to shield adjacent residential properties. The movement of vehicles delivering construction materials should be restricted to after 09.30. The usual site working day should not start before 08.00.

On review of the current Planning Permission Application, DM2020/01438, the following points were concluded:

- i) The Pre-Application PAC Report, document reference 19.8140, does not adequately address points raised by the Community Council. Although mentioned in the PAC report it is not clear that the points have been properly considered. Evidence of proper consideration should be submitted before any permission is granted.
- j) It is recommended that allocation of 'Affordable Dwelling' units should be weighted in favour of existing local community members.
- k) With regard to County Council adoption of the street(s) after completion of the development, the criteria and timeline for adoption should be clearly defined as a condition of planning permission approval.

Natural Resources Wales – No objections subject to conditions.

Foul Drainage: Since our previous consultation response, dated 09/11/2020 (our ref: CAS-128586-N4X2), we note the application site is now within the catchment of the River Usk Special Area of Conservation (SAC). This application for the erection of fifteen dwellings proposes connection of foul water to the mains public sewer.

There appears to be no information or assurance from DCWW on whether the sewer network and associated WwTW has the hydraulic capacity to accommodate the additional wastewater, without contributing to an increase in frequencies or duration of storm overflows. Prior to determining this application, we advise you seek this final piece of information from DCWW, to enable you to conclude your HRA following our Planning Advice under the above referenced section.

European Protected Species: A European Protected Species (EPS) Licence is required for this development. We recommend you should only grant planning permission if you attach the following conditions to the permission:

- Condition 1: European Protected Species - Secure implementation of measures set out in section 5.2 (Bats) of the submitted Reptile and Bat Surveys.
- Condition 2: European Protected Species - Lighting Plan is submitted and approved to ensure lighting details are agreed prior to installation.

Flood Risk: We note the 'Flood Risk Assessment & Drainage Strategy Report', prepared by Spring Design, dated March 2020 has identified that the development site is not at risk of flooding, therefore we have no comments to make in relation to flood risk.

Land Contamination: Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

National Park Landscape: The proposal is approximately 1.9km from the Brecon Beacons National Park boundary at the Monmouthshire & Brecon Canal, but is unlikely to be visible from this lower ground. Visibility is most likely from elevated land in the National Park to the west approximately 2.4-2.6km away and from this distance the site would have no adverse visual effects on the National Park, due to the intervening vegetation and distance involved.

Dwr Cymru Welsh Water (DCWW) – No objections.

We can confirm that Little Mill Wastewater Treatment Works into which the proposed development would eventually drain has been issued with a phosphate permit and we are content that there is sufficient headroom to accommodate the foul water generated.

Network Rail - Further housing developments in this area would increase risk at the nearby Whitehouse FP Crossing through increased pedestrian use. There have already been a number of Near Miss Incidents reported at this location. Network Rail proposes that the Developer should seek to work with us and the Local Authority to find a suitable means of addressing this matter by covering costs to improve the level crossing or its closure should a suitable diversionary route be identified.

Without significant consultation with Network Rail and, approved mitigation measures, Network Rail would be extremely concerned if any future development impacts on the safety and operation of the level crossing. The developer should also contact the ORR regarding this application. As Network Rail is a publicly funded organisation with a regulated remit, it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

MCC Landscape/Green Infrastructure (GI) - No objection to the principle of the proposal of development on the allocated site from a Landscape and GI perspective based on the amended information provided.

Request further clarification / amendments to be conditioned to address the following points:-

1. It is not clear from the revised plans provided if there is intended to be a formalised link from the proposed site via POS to Ty Draw Lane and PROW 86. The proposed maintenance access point to the POS is not clearly indicated as to whether it is to be gated and / or accessible to the Public. Public access should be created to link to the PROW and to play area on Brynteg place if possible.
2. The GI management plan needs to include a clear spreadsheet of aftercare actions for 20 years. Some of the written prescriptions do not currently have defined visits / intervals per year.
3. Cross section details of the rain garden construction need to be provided for approval along with cross sections of the basin swale with outfall.

Should the application progress and be approved it is anticipated that the conditions should apply if the information is not satisfactorily provided during the application process (see end of report).

MCC Biodiversity - No objection subject to conditions.

MCC Highways - The highway authority does not object to the proposed development, the proposal would not lead to a deterioration in highway safety or capacity and the highway authority recommend conditions are applied to any future decision to ensure that the site is developed to the satisfaction of the highway authority (see end of report).

The site is an allocated site in the LDP and the principles of the development and the suitability of the site's location were widely consulted upon. The application is a full application proposing the development of 15 dwellings comprising 9 affordable and 6 open market dwellings.

The proposal has been the subject of extensive pre-application discussions and PAC and the general principles of the means of access and the impact of the development in terms of highway standards, highway safety and capacity of the immediate local highway network was considered and the details submitted in support of the application generally reflect the highway authority's requirements.

The highway authority have reviewed the Council's accident data and concur with the Transport Statement's conclusion that there are no specific road safety issues that warrant further investigation or assessment.

The internal layout as detailed on Drawing Ref: 2418-(02)-101 Rev: F Site Layout is acceptable in principle and the highway authority actively encourage and promote the Welsh Government guidance where streets or shared drives serving more than 5 residential dwellings shall be built to adoption standards and adopted by the highway authority. The highway authority expect the landowner / developer to enter discussion and negotiate with the highway authority to secure an adoption agreement pursuant to Section 38 of the Highways Act 1980 following a planning decision.

MCC Rights of Way - The applicant's attention should be drawn to Public Footpaths nos. 86, 85A & 87 in the community of Goetre Fawr which run close to and bound the site of the proposed development.

The Active Travel (Wales) Act requires local authorities to continuously improve facilities and routes for pedestrians and requires new road schemes to consider the needs of pedestrians and cyclists at design stage. The Act aims to make active travel the most attractive option for shorter everyday journeys (journeys to work, school, to access shops or services, etc. i.e. not purely recreational).

Public Rights of Way believes that the proposed scheme falls short of these requirements and therefore objects to the development until such time that it looks to provide high quality multiuser connections to existing road and public path network surrounding it. The proposal should at least provide links to the adopted Brynteg Place via the adjacent play area and to Ty Draw Lane which bounds the site and carries Public Footpath no. 86. Additionally, any access provision should be protected and maintained through some mechanism such as being adopted or managed under contract.

Environmental Health (noise) - Further information/clarification required.

External 'garden' noise levels:

As 50dB LAeq 16hrs is considered the onset of moderate annoyance day and evening this is the limit level which we endeavour to achieve in Monmouthshire. Note that this is considered achievable for all gardens with a solid 1.8m high boundary fence to the rail side boundary of Plots 1-4.

Request that this proposed fence is shown on the site layout plan (which currently shows a 1.8m hit and miss fence) for ease of reference particularly with regard to discharge of conditions.

Internal noise levels:

The applicant explains that the principal reason why the windows to the majority of facades are recommended to be closed (as shown in blue / yellow on Figure 6 of 11/3/20 report) is because with open window ventilation, WHO Guidelines criteria in relation to maximum noise events are predicted to be exceeded due to passing trains. WHO Guidance states "For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 L_{Amax} more than 10-15 times per night". Noise mitigation measures to the glazing are effective with the bedroom windows closed on the facades lined blue / yellow in Figure 6. It is proposed that the occupiers will have the option of opening the windows which will assist ventilation and summer cooling but then based on the report provided will potentially experience noise at night from the passing trains in excess of the guideline levels.

As recognised by Acoustics, Ventilation and Overheating Residential Guide Jan 2020 there is a need for an integrated approach to consider noise, ventilation, and overheating in residential developments. Given the extent of the proposed closed window strategy which affects all dwellings, Environmental Health remain of the view that the matter needs further consideration. This may include for example further examination of:

- The noise climate noting that the report is based on a 24 hr survey and there is minimal evaluation of Chart 1 and the LAF max levels obtained including the frequency of events.
- Potential noise mitigation measures e.g. is there scope for bunding / fencing etc. between the rail line and proposed houses to reduce the extent of the closed window proposals.
- Applicant's intentions for enhanced ventilation in the affected dwellings which will help inform consideration of a ventilation strategy for all dwellings subject to façade mitigation measures condition on any grant of planning permission.
- The potential overheating concerns of the proposed acoustic strategy.

Environmental Health (contaminated land) – No objection subject to conditions.

This application is to build 15 properties on Parcel A (south-west corner of the site). From Parcel A, it appears that 3 samples were taken (TP1, TP4 and TP8). The results of sampling were compared to a generic assessment criteria. Two samples showed elevated concentrations of a

PAH (Dibenzo(ah)anthracene), and one sample was at the assessment level for the same PAH (0.24mg/kg). Of these three sample one exceedance was in Parcel A TP4 and one exceedance and the sample at the assessment criteria level was in Parcel B (TP18 and TP20).

As a result, it is recommended that additional sampling should be undertaken to determine the extent of the contamination, by increasing samples around the identified contamination, and then a remediation strategy should be submitted, followed by a validation report. Any imported material must be sourced and tested to ensure they are suitable for the end use, and the results submitted to the Planning Authority.

Finally any unforeseen/unidentified contamination encountered during construction must be further assessed with site investigation and (if necessary) remediated. Should Members consider it appropriate to grant planning approval prior to a completed contaminated land site investigation and remediation strategy it is recommend that conditions be attached to ensure that the site is fully investigated and, remediated to ensure the protection of public health. N.B. These are found at the end of this report.

MCC Housing - This is one of MCC's rural 60/40 sites and the affordable homes will help meet the housing need in the area. Housing have worked with a partner RSL to agree a preferred mix and ensure WDQR compliance and are in support of this application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Eight representations received. Object on the following grounds:

- Unacceptable excess noise, traffic and pollution whilst being built. The access roads Millbrook Court and Ty Gwyn Road are not able to cope with the increase in traffic that this development will produce and is definitely not suitable for heavy vehicles such as HGV and plant.
- Over-development of the area as a new estate is to be built locally in Mamhilad and therefore this proposal is not necessary and will result in a loss of green space.
- If the plan goes ahead, Ty Draw Lane should be open to traffic to and from the extension of Ty Gwyn Road, and therefore not all the increased traffic would not need to go through Millbrook Court.
- Loss another greenfield site and the impact upon the environment.
- Loss of view over open fields
The site is slightly elevated and would look directly into our bedroom and lounge.
- No facilities for families at all.
- This development would not be advantageous to anyone.
- Added volume of traffic through the estate and joining onto the A472 (especially mornings and evenings) which would be brought on by developing this site.
- The vision of an earlier Local Development Plan implies that people should live in a more inclusive environment with better access to local services, facilities and employment and a good public transport system, which all contributes to reduced usage and emissions from private vehicles. Little Mill has few such facilities.
- The times of the public transport through the village towards the major towns, employment and rail links of Pontypool, Cwmbran, Newport etc. do not cater for a normal working day.
- If permission is granted for 15 homes on half of the site and with the precedent set, then how much easier would it be to develop the rest of the site in future.
- The proposed development includes a mix that responds to 'local need'. What exactly is the local need within the village that requires another housing development?
- A housing development on the land off Ty Gwyn Road has been considered a number of times over the last thirty years. Each time it has been proposed it has met with local opposition. Many of the objections raised in the past are still relevant today.

- Ty Gwyn Road and Millbrook Court are narrow residential streets which already support a considerable amount of traffic. They are unsuited to providing access for construction traffic or the increased volume of traffic which would result from the proposed fifteen houses.
- Post-Covid if more people do work from home, on current evidence, there will be considerably more commercial vehicles making home deliveries thus adding to the traffic problem.
- MCC stress the importance of 'quality of life' and how the Covid-19 situation highlights the need for 'green spaces to health, well-being and recreation'. The proposed development would have a negative impact on the health and well-being of many village residents depriving them of open, green space and a site of significant biodiversity; and, exposing them to additional air and noise pollution.
- House sales on Ty Gwyn Road and Millbrook Court, especially of family-sized properties, are difficult to sell because of their proximity to the railway line. Lack of public transport, lack of facilities, lack of local employment opportunities etc. contribute to the difficulties of selling properties. Such points suggest that additional housing within the village is not needed.

Two general comments received:

We live at 30 Ty Gwyn Rd, Little Mill and wish the following to be taken into consideration when deciding the above planning application

- 1) Re-align our driveway to enable easier and safer access and egress for vehicles.
- 2) We would prefer a 1.2m metre fence boundary with our property rather than the 1.8m proposed, this will still give privacy to plot 15 owners because our garden, lawn and drive is a good metre below plot 15 ground level.
- 3) During site development existing access road to be cleaned daily and, during dry weather, ground to be sprayed with water to reduce dust nuisance.
- 3) All vehicles associated with site development to be parked on site at all times.
- 4) Dwellings on plots 1, 2, 3 and 4 to be moved back to a similar building line to better coalesce with existing houses in Ty Gwyn Road this will also enable laybys to be provided for visitor parking and avoid parking on existing roadways.
- 5) All existing overhead power lines to be buried or re-routed
- 6) During construction temporary solid fencing to be used to shield adjacent properties and, as we live next to the site, delivery of materials to restricted to after 9.30am and site working to start after 8.00am
- 7) Arrange residents' parking in new development to avoid a tandem arrangement which will lead to parking on road due to residents differing working hours.

Boundary hedgerow is cut and layered by a neighbouring resident and is managed from the field side with the landowner's verbal permission for access. Within the proposed plans, it seems apparent that the developer is utilising this hedge line as the boundary preventing maintenance. Written confirmation that this hedgerow is the responsibility of the neighbour and therefore a part of that property. Adequate space would therefore be required to allow future maintenance of the hedgerow.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The principle of residential development at the site is established through the allocation in the adopted LDP. Policy SAH11 allocates sites within the Main Villages for up to 15 units. Allocation reference SAH11(v) includes land subject to this application, known as 'land north of Little Mill.'

In respect of sites allocated in the main villages under LDP Policy SAH11, the Affordable Housing Supplementary Planning Guidance (2019) confirms:

- The mix and tenure of the 60% affordable provision should be based on local housing need on a site-by-site basis.
- While the provision of open market units is facilitated by the policy, the sole purposes of allocating these sites is to deliver affordable housing.
- The normal approach of 'pepper-potting' affordable throughout a development is not required for these sites. Grouping the market housing to allow them to achieve their full potential is the best way to ensure financial subsidy for the affordable units is achieved.

The proposed development is for 15 units in line with LDP Policy SAH11 and includes 60% affordable provision in accordance with Policy S4. As such, the proposed development is considered policy compliant.

Policy S4 provides for planning obligations to be sought if required to make the development acceptable. Supplementary Planning Guidance supporting Policy S4 confirms that such contributions are not sought on the allocated 60:40 sites due to their economic viability.

6.1.2 Good Design/ Place making

The proposed development includes nine affordable dwellings and six open market dwellings, in line with the site allocation requirements (60% affordable). The allocated site forms the net developable area and net density therefore equates to approximately 29 dwellings per hectare.

The layout has been designed to have an active frontage to replicate the dwellings along the A472 and the recent housing development in the south-east of the village. Plot 15 in particular has been orientated on a corner so the front elevation is visible on approach to the site rather than a less interesting side elevation. The dwellings themselves are traditional in design with simple front elevations with conventionally proportioned windows and front door designs. The palette of materials proposed for the development reflects the materials of the local area. The proposed dwellings are all to be finished in a smooth painted render. Plots 7 - 8 have a projecting front porch which will be finished in stone. The proposed fascias, soffits and bargeboards are uPVC and will be finished in white. The proposed windows on all dwellings will be uPVC finished in white. The window cills are proposed to be reconstituted stone. The roofs would be finished in fibre cement slates coloured blue/grey. The proposed rainwater goods are black uPVC. It is considered these proposed finishes are in keeping with the existing area and the dwellings will not appear incongruous within the village setting.

The principles of place making provide that design goes beyond architecture and extends to the relationship between people, spaces and buildings. In terms of the site, it is small in size and the best way to achieve place making aspirations is to integrate it with the existing village as best as possible. In this case a logical continuation of Ty Gwyn Road is proposed, along with a similar character of property including traditionally proportioned semi-detached and detached houses.

In terms of open space, as a small, allocated site, there is not a significant amount of public realm included within the development, as there is not capacity. However, the inclusion of street trees and a footway adjacent to swales on the southern side of the highway will help to create a sense of place. Unfortunately, although the applicant has secured some control over the adjacent field, this area will continue to be grazed as agricultural land and it is not therefore possible to open up this land for use by the public or provide any footpath links.

A mixture of parking to the front and side of properties is used, while on street parking for visitors is deemed appropriate in this location. Detached garages are also provided with the open market units. This follows the existing pattern of parking arrangements in the rest of the village.

The supporting drainage infrastructure is proposed in the south-east corner of the wider field. This is relatively small in area and will be well landscaped to ensure it will not lead to any urbanisation of the rural character of the village edge.

Other than a Grade II Listed Building 400m north-east of the application site, the site and surrounding locality is free from heritage constraints; thus there will be no detrimental impact on heritage as a result of the proposed development.

The proposed design is considered acceptable in terms of layout, form, scale and materials and will not adversely affect wider visual amenity. As such, the development accords with the requirements of LDP Policy DES1 and PPW12.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The dwellings have been sited to ensure that there are no overbearing or overlooking issues within the new development or upon existing dwellings. Overlooking distances meet the standard 21 metres distance between habitable rooms and are therefore sufficient to prevent any adverse residential impact. Plot 15 has been orientated so that the side elevation with no habitable room windows faces the nearest existing neighbouring dwelling.

The site is adjacent to the main railway line and therefore an Environmental Noise Assessment has been submitted with the application. This report demonstrates an acceptable impact from the railway on the proposed development where appropriate mitigation measures, including façade information and ventilation provision, are provided. The noise from the railway (50dB LAeq 16hrs) is considered the onset of moderate annoyance over the day and evening; this is the limit level which the Authority seeks to achieve. It is noted that this is considered achievable for all gardens with a solid 1.8 metre boundary fence to the rail side boundary of Plots 1- 4. The inclusion of this should be conditioned provided Members are minded to approve the application.

The habitable rooms falling in the Blue and Yellow Zones (as shown in the acoustic report) will have non-openable bedroom windows and therefore will be ventilated via attenuated means. With the mitigation measures installed to habitable rooms of the dwellings in the rooms noted above, the predicted internal noise levels are below British Standard 8233:2014 and WHO (1999) criteria and, on this basis noise ingress from the adjacent railway line is considered to be suitably controlled.

The applicant has had discussions with the Council's Environmental Health Officer and as a result has commissioned an overheating assessment to demonstrate how the houses with non-opening windows will be kept cool as well as ventilated. The noise report is also to be amended accordingly. The overheating assessment and revised noise report together with Environmental Health's final comments will be reported as late correspondence.

In terms of vibration, the measured Vibration Dose Values at the boundary of the site are below the BS6472 range for a low probability of adverse comment. Therefore, vibration is not considered to be of an adverse level at this site and vibration mitigation measures do not need to be considered further.

The development proposals are therefore considered to comply with LDP Policy EP1 in terms of residential amenity and from an acoustic perspective as well as the guidance in TAN11.

6.1.4 Sustainable Management of Natural Resources

As a registered social landlord, construction of a Pobl scheme is required to be WDQR (Welsh Development Quality Requirements) compliant. This high standard for construction of affordable housing and the system of Building Regulations in Wales will ensure the development is energy and resource efficient.

6.2 Active and Social Places

6.2.1 Sustainable transport issues

The site, and Little Mill as a settlement, has few employment opportunities and amenities such as a school or doctor's surgery, and the area is reliant on transport to commute to facilities and

amenities located in areas such as Usk, Pontypool, Cwmbran and further afield. However, in the County's context the village does benefit from public amenities and being relatively sustainable, the site was allocated for this form of development in the adopted LDP.

The area is reasonably well served by footways and residential streets providing pedestrian and cycling access to the area and public transport bus stops located on the A472 with a controlled crossing on the A472 providing access to westbound bus stops and community facilities on the southern side of the A472. Through direct connection to the highway network, public transport stops, public rights of way and future connection proposals to formal active travel routes, the proposed development is considered to encourage both sustainable and active travel. The location of the site therefore meets the requirements of PPW's Sustainable Transport Hierarchy.

6.2.2 Access / Highway Safety

Vehicular and pedestrian access to the site is proposed through the extension to Ty Gwyn Road. Safe pedestrian access to the local facilities and public transport connections in Little Mill is proposed via the existing lit footways along Ty Gwyn Road, Millbrook Close and Berthin Road.

The proposed means of access (the extension of Ty Gwyn Road) has been designed to create a gateway and traffic calming feature that clearly demarcates the entry to the new houses, avoids conflict with existing properties' drives / means of access and promotes slow entry and exit traffic speeds.

Bus services 61, 63 and 66 serve Berthin Road (250m walk from the site) which connect Little Mill with locations throughout Monmouthshire and Torfaen. However, it is acknowledged in national planning policy that the private car is important for accessibility in more rural areas and that this is likely to remain the case for the foreseeable future. Despite the site's relatively sustainable location in Monmouthshire's context, it is an edge of village allocation and the private car will be an important transport option for residents. As such, policy compliant car and cycle parking is proposed to be provided. Sufficient car parking is provided in accordance with the appropriate maximum standards of 3 spaces per dwelling. Cycle parking is provided through the garages for the open market units and will be provided in accordance with WDQR for the affordable units.

The proposed development is modest in scale, involving just 15 dwellings. The submitted Transport Statement indicates that this would generate one additional vehicle movement once every 8-10 minutes during peak times, therefore having a negligible impact on the local road network.

The internal highway layout comprises a 5.5m wide carriageway with 1.8m wide footways along both sides. This internal highway arrangement is considered suitable for the scale of the proposed development and likely vehicle speeds and MCC Highways offer no objection. A turning head at the termination of the development is also proposed to ensure refuse and emergency vehicles can enter and exit the site in a forward gear.

As such, it is considered that there will be no detrimental impact on the local highway network or trunk roads in accordance with LDP Policy MV1.

6.2.3 Recreational Spaces

Although the site is not large enough area to provide the houses and public open space within the site itself, it is located within the settlement boundary of a Main Village (as defined in LDP Policy S1) which has a number of local facilities and amenities along Berthin Road, including a village hall, multi-use games area, equipped play area and recreation ground. All these facilities are within 400m walk of the proposed development. An additional equipped play area is situated off Cae Melin.

6.3 **Productive and Enterprising Places**

6.3.1 Economic Development

The introduction of additional residents to the area could have a limited, albeit positive effect on the longevity of local facilities in Little Mill.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

The application site is not covered by any national or local landscape designations. A full suite of landscape and green infrastructure information has been prepared by TDA and submitted as part of the application. The Landscape Character and Visual Impact Assessment (LVIA) notes that due 'to the natural topography of the area combined with intervening woodland, field boundary hedgerows and hedgerow trees, the visual envelope of the site is generally restricted and the proposed development would be well screened from the majority of surrounding public viewpoints'.

Only one of the viewpoints identified in the LVIA (excluding viewpoints immediately adjacent to the site's boundary) is identified as having small glimpses of the site. This viewpoint (no. 7) already possesses the visual context of residential development and the development would be in keeping with the wider landscape character of Little Mill.

Landscape mitigation and enhancement is proposed in the Soft Landscape Proposals which will soften the edges of the development, increase biodiversity and create a strong arboricultural character. In accordance with Policies S13 and GI1 of the adopted LDP and relevant SPG, GI assets and opportunities plans have been submitted with the application. These plans demonstrate the retention and integration of GI into the development, along with the provision of new and enhanced GI, in line with the above policies and the GI SPG (2015).

6.4.2 Green Infrastructure

Green Infrastructure SPG (2015) sets out what green infrastructure (GI) is and the approach to GI in Monmouthshire. The SPG establishes a three-step approach considering on and offsite GI and embedding this within development proposals. In designing development, this process is summarised as follows:

- Identifying and mapping existing GI assets in proximity of the site.
- Considering opportunities for the development to contribute to local GI needs.
- Incorporate proposals into development design to: maintain and enhance GI and ensure connectivity to the surrounding GI network

A comprehensive approach to green infrastructure, biodiversity enhancement and sustainable drainage has been presented as part of this planning application including permeable paving, planted rain gardens, swales and an infiltration basin. These features represent some of the key hard and soft landscape proposals within the development. In addition, wildlife friendly planting and a variety of native and ornamental tree planting is proposed to be used to enhance the street scene. Native tree and understorey planting will be used to create a landscape buffer around the residential development and the offsite drainage features. Existing boundary hedgerows and trees are to be retained.

A detailed GI management plan should be secured as part of the consent that takes into consideration the Ecology and Landscape requirements and provides clear aims and objectives with detailed work schedules and management information. It is recommended that this is secured by condition should Members be minded to grant consent. Subject to the inclusion of this condition, the development is considered to meet the requirements of LDP Policy GI1.

6.4.3 Biodiversity

A Preliminary Ecological Appraisal (PEA) and bat/reptile survey reports have been prepared by Acer Ecology and submitted as part of the application. Mitigation is included for bats, reptiles, nesting birds and other species. In accordance with Policy NE1 of the LDP and PPW12, various

features and assets which encourage biodiversity will be incorporated into the development. This includes hedgerow protection and management, wildlife friendly planting, provision of bird boxes and provision bat boxes/bricks.

The existing hedgerows to the western and southern perimeters are to be retained and enhanced which is welcomed in accordance with LDP Policy NE1 and the Environment (Wales) Act 2016 duty. Revisions to the site layout that provide a buffer to the existing green infrastructure are also welcomed. The buffers are narrow but will facilitate access for initial maintenance and establishment. Details of the future management of these boundaries, including measures to deal with potential future issues such as garden waste will need to be covered by the GI management plan referred to in Paragraph 6.4.2 above. The approved Landscape Plan will also need to show details of the access points to these areas as well as the SuDs area to the east.

In terms of Protected Species, the report refers to low potential for dormice. The submission of a Construction Environmental Management Plan is proposed to be conditioned should Members be minded to approve the application.

A reptile mitigation strategy condition and landscape plan condition are also proposed if Members are minded to grant consent in advance of this detail.

The mature tree to the north-west of the site is assessed as having moderate potential for bats, activity surveys were undertaken in accordance with best practice guidelines and identified a day roost for common pipistrelle bats. It is noted and welcomed that this feature is to be retained as per the Tree Protection Plan but it will be important to ensure it is protected from light spill and as such it is considered that a lighting plan needs to be submitted in the event of any grant of consent. The soft landscaping and tree planting in this area will help to buffer this feature from the development.

Finally, Planning Policy Wales (PPW) 12 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 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The broad net benefit measures (integrated provision on the buildings) provided on Plans 6 and 7 of the Ecology report will need to be detailed on drawings. A condition securing these details is provided at the end of this report should Members be minded to grant consent in advance of this revised detail.

6.4.4 Flooding

The development advice map provided by Natural Resources Wales website confirms that the site is in 'Flood Zone A'. Areas of land located within Flood Zone A are classified as being at little or no risk of fluvial or coastal / tidal flooding.

In terms of surface water flooding within the site, information from NRW indicates that surface water flooding does occur along Ty Draw Lane to the immediate east of the site. However, the surveyed levels along Ty Draw Lane are approximately 300mm below the eastern site boundary and a minimum 6m below the area where houses are proposed to be situated. It is therefore considered that development on the site itself would not be at risk from surface water flooding. In relation to run-off, infiltration tests have been undertaken and the results indicate that ground conditions in the eastern part of the site are suitable for the use of infiltration for discharging surface water run-off. It is therefore proposed to discharge all surface water run-off to ground. Infiltration measures proposed include permeable paving, bio-retention areas (rain gardens) and an infiltration basin situated in an area of open space. It has been calculated that these proposals will significantly reduce the rate and volume of run-off from the site in comparison to the existing situation and reduce the level of surface water flooding along Ty Draw Lane.

6.4.5 Water (including foul drainage / SuDS)

The scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. It is understood that this application has already been submitted.

Notwithstanding the need for further SAB approval, permeable paving, planted rain gardens, swales and an infiltration basin are proposed within the scheme to facilitate as much infiltration as possible. These features represent some of the key hard and soft landscape proposals within the development.

The surface water drainage solution proposed includes swales / a pond feature in the south eastern corner of the field which the site sits within. Topographically this is the optimal location and the solution accords with the SuDS hierarchy, meaning the scheme is compliant with Policy SD4 of the LDP.

No specific details for the management of the highway drainage have been indicated but the highway authority acknowledge that the prospectively adoptable highway forms part of the wider surface water / SuDS drainage strategy and will consider those measures for adoption if the SuDS Approving Body consider it to be the only suitable option available, does not prejudice highway adoption and imposes unreasonable maintenance liabilities.

In terms of foul drainage, a connection is proposed to the existing public foul sewer in Ty Gwyn Road (via the proposed pumping station for certain plots). The site is within the Phosphorous Sensitive Catchment Area of the River Usk SAC. As such, NRW's Interim Guidance applies. This application site is within the DCWW catchment for the Little Mill Wastewater Treatment Works. The NRW permit for these works has been reviewed against revised phosphorus targets and it has been concluded that the existing permit is adequate and that there is sufficient headroom capacity to accommodate flows from the proposed development.

New developments connecting to the associated public sewer within Phosphorous Sensitive Catchment Areas are still subject to the Habitats Regulations. Phosphorus impacts of new connections are considered on a case-by-case basis, and a conclusion of 'no likely significant effect' (on the SAC) can be drawn in cases in the context of water quality impacts where the following apply:

- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality;
- there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits; and
- the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

As such, DCWW as statutory consultee, have been consulted on the potential for a development to connect to a public sewer and have confirmed that there is capacity to treat additional wastewater within revised environmental permit limits and the sewer network has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

NRW have noted that in their response, DCWW have not referred to Storm Water Overflows. However, DCWW have advised on other applications where the same issue has been raised, that their assessment includes all elements of the public sewerage system including storm overflows. DCWW's source apportionment sampling has found that CSOs account for less than 2% of the contribution towards river water quality in the Wye and Usk rivers. They have monitoring on all CSOs and a dedicated team reviewing their performance along with investment to improve the impact on the water quality.

On the basis of the advice from NRW and DCWW, the Council will undertake a Test of Likely Significant Effect (TOLSE) under the Habitats Regulations. This is likely to conclude that based on

advice from NRW (version 3.1, published August 2023), the proposed development alone is unlikely to have a Significant Effect on the River Usk SAC and a full Appropriate Assessment is not required. The application should not be finally determined until the positive TOLSE has been undertaken.

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

6.5.1 Concern was raised in relation to the tandem parking proposed for some of the dwellings. The Council's Highways Authority were consulted on the application and have not objected, nor raised any concerns regarding the parking layout. The proposed parking arrangement is therefore considered to be satisfactory in planning terms. Comments have been raised in respect of the lack of provision of visitor parking. Adopted Supplementary Planning Guidance (SPG) 2013 sets out that residential developments should provide 1 space per 5 units. However, it is noted that no objection has been received from the Council's Highway Engineer on this matter and that the provision of further parking would be contrary to the aspirations of PPW12 which seeks to reduce dependency on private motor vehicles.

6.5.2 The Community Council suggested that if not included, provision should be made for the later easy installation of e-vehicle charging points. Unfortunately, the applicant is not intending to provide electric vehicle charging points for the development and there is currently no planning policy requirement to provide this facility.

6.5.3 In relation to the inclusion of climate change mitigation measures such as heating assisted by ground / air heat pump, solar panels, etc., the development intends to promote energy efficiency on site by adhering to the appropriate Building Regulations and Development Quality Requirements (DQR).

6.5.4 The size of the allocation precludes the provision of any designated open space as part of this application and it would not be appropriate to intrude further into the adjoining countryside to provide this. The applicant explored the opportunity for footpath connections across this area of land east of the proposed housing, but a path would not provide any meaningful links and further urbanisation of the countryside is not considered appropriate.

6.5.5 The overhead lines will be grounded at the southern boundary of the site and routed westward to the site entrance. From here they will follow the proposed internal highway and reconnect to the overhead lines to the north.

6.5.6 The movement of vehicles delivering construction materials will be dealt with as part of a Construction Traffic Management Plan (CTMP), which would be submitted following the granting of any permission and agreed prior to construction. An advisory Note

6.5.7 The site's allocation for housing means that it will contribute to the Council's overall housing land requirement. Given that it is predominantly for affordable homes, this will ensure that local residents will get the opportunity to live in Little Mill. In terms of the allocation of the affordable dwelling units, it is standard practice for housing associations and priority arrangements to be agreed with the local housing authority.

6.5.8 The transport statement which has been agreed by the MCC Highways indicates that the proposed development will generate 8 vehicle movements during the am peak hour and 6 during the pm peak hour. The increase in traffic movements associated with the development is not considered to be significant and would not be detrimental to the capacity and operation of the immediate local highway network, particularly Ty Gwyn Road, Millbrook Court and Millbrook Court / A472 Berthin Road junction.

6.5.9 With regard to the maintenance of the hedgerows, it is proposed that further discussions are held between the applicant/developer and the affected residents in order to reach agreement regarding access.

6.5.10 Network Rail are seeking a financial contribution to pay for an improved railway line crossing. Due to the scale of the development and the fact that no new footpaths are being provided that would provide an additional link to this crossing, it is considered that such a contribution is not considered to meet the tests for a valid planning obligation (Section 106 Agreement).

6.5.11 Public Rights of Way believes that the proposed scheme falls short of the requirements of the Active Travel (Wales) Act requirements and therefore objects to the development until such time that the developer looks to provide high quality multiuser connections to existing road and public path network surrounding it. The proposal connects to the existing road and footway. The applicant has not been able to secure permission from the adjoining landowners to provide any additional footpath links. Given the relatively small scale of the site and its existing connectivity to the rest of the village and facilities, it is not considered necessary to require any further footpath links to be provided to make the development acceptable.

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

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

6.7 Conclusion

6.7.1 The scheme comprises of six open market and nine affordable dwellings (60% affordable), in accordance with the provisions of Monmouthshire County Council's adopted LDP, in which the site is allocated for development under Policy SAH11(v).

6.7.2 There is safe pedestrian access to the village centre and bus stops, a proposed active travel route south of Little Mill and policy-compliant cycle storage provision. In addition, suitable vehicular access and car parking are also provided.

6.7.3 A comprehensive approach to green infrastructure, biodiversity enhancement and sustainable drainage is inherent within the scheme's design. This includes a number of features such as swales, planted rain gardens, ornamental and native planting, wildlife friendly planting, retention of existing trees, bat/bird boxes and other landscaping.

6.7.4 In accordance with the LDP, the scheme has been designed to maximise the value of the open market units to facilitate the cross-subsidisation of the proposed affordable dwellings.

6.7.5 The continuation of Ty Gwyn Road is proposed to integrate the development with this existing village, whilst also allowing the scheme to harness its own unique character. A visually interesting street scene with simple architectural design bridges the adjacent countryside with the urban area. Landscape buffers assist in achieving this and ensuring the rural character and continued agricultural use of the wider field.

6.7.6 The proposals will result in the delivery of an allocated site and provide much needed market and affordable housing in this part of Monmouthshire.

7.0 RECOMMENDATION: APPROVE

Subject to a Habitats Regulations Assessment (Test of Likely Significant Effect) and a S106 Legal Agreement requiring the following:

S106 Heads of Terms

9 units shown on the approved plan shall remain affordable in perpetuity.

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 development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust from the site preparation, ground work and construction phases of the development together with the following biodiversity considerations:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;

j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;

k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: In the interests of local residential amenity and to safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

4 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Ty Gwyn Road and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure the development is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 No part of the development hereby permitted shall commence until:

a) A further intrusive site investigation has been undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of the additional intrusive investigation, has been submitted for approval in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

6 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Detailed scaled plans, showing existing and proposed levels, appropriate cross sections of basin and rain gardens
- Proposed and existing utilities/services above and below ground.
- Hard surfacing materials, POS access and associated provisions.
- Minor artefacts and structures (e.g. Refuse or other storage units, signs and lighting).
- A landscape management plan to inform a 5 year landscape establishment period clearly identifying areas of responsibility

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

8 No development, demolition, earth moving or vegetation clearance shall take place or material or machinery brought onto the site until a reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include, as a minimum the:

- a. Purpose and objectives in relation to protection of reptiles;
- b. Details of a revised receptor site detailed on plan demonstrating that the area can be protected throughout the development of the site and means of protection (fences) shown on plan.
- c. Detailed working methods necessary to achieve stated objectives;
- d. Thresholds and actions to be taken if the number of reptiles cannot be accommodated within the receptor habitat;
- e. Clear and enforceable timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- f. Persons responsible for implementing the works.

The Reptile Mitigation Strategy shall thereafter be implemented in full.

REASON: Safeguarding of species protected by the Wildlife and Countryside Act 1981 (as amended).

9 A proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be privately managed and those that are to be part of strategic landscaping.

a. Trees and hedgerows

b. Green corridors

c. Rain gardens and swales

d. POS

b) Opportunities for enhancement to be incorporated

a. Management of Grassland for botanical species diversity and / or protected species including reptiles

b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and screening

c. Maintain habitat connectivity through and or around the perimeter of the site for species

c) Trends and constraints on site that might influence management of above features.

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

h) Details of the body or organization responsible for implementation of the plan.

i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green

Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

10 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

11 Prior to commencement of any construction works (not including ground clearance and infrastructure provision) a detailed plan illustrating the biodiversity "net benefit features" to be integrated within the dwellings, based upon recommendations of "Land North of Little Mill Monmouth Reptile and Bat Surveys produced by Acer Ecology dated December 2020" shall be submitted. The plan must identify location, positioning and specification of the provision on elevation plans. The scheme shall provide for the future management and an implementation timetable and 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 12, the Environment (Wales) Act 2016 and LDP policy NE1.

12 Prior to installation of any lighting, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: To safeguard protected species in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017 and in accordance with Policy NE1 of the Local Development Plan.

13 The solid 1.8 metre height boundary fence to the rail side boundary of Plots 1-4 as shown on the approved plans shall be provided prior to the first occupation of the residential accommodation and retained as such in perpetuity.

REASON: In the interests of residential amenity in accordance with LDP Policy 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.

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

Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

3 It should be brought to the attention of the applicant that A Section 38 agreement (or S38) is a section of the Highways Act 1980 that allows a developer to build a new road and offer it to the highways authority for adoption as a public highway

4 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

5 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 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.

6 Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-bodysab>. The SAB is granted a period of at least seven weeks to determine applications.

7 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).

8 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

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

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

The Hedgehog is a Priority Species under Section 7 of the Environment (Wales) Act 2016 identified as being of principal importance for the purpose of maintaining and enhancing

biodiversity in relation to Wales. The hedgehog has also recently been listed on the IUCN red list as vulnerable (2020).

Application Number: DM/2024/00206

Proposal: A lawful development certificate for the proposed use of the property as a Supported Living home for 5no. elderly persons (C3 use class).

Address: 28 Jasper Tudor Crescent, Llanfoist, Monmouthshire, NP7 9AZ

Applicant: C/O Agent

Plans: Floor Plans - Proposed FLOOR PLANS - , Location Plan SITE LOCATION PLAN - , Other APPENDICES

RECOMMENDATION: Approve

Case Officer: Ms Kate Young

Date Valid: 19.02.2024

This application is presented to Planning Committee at the request of the Llanfoist Fawr Community Council

1.0 APPLICATION DETAILS

1.1 Site Description

No. 28 Jasper Tudor Crescent is a large, modern detached residential dwelling adjacent to a children's play area in a modern housing estate. It contains 6 bedrooms over three floors, with two of the bedrooms being in the roof space. The ground floor comprises a kitchen/dinner, living room and play room as well as a WC and hall way. The property has a private enclosed rear garden, a private driveway and a garage.

1.2 Proposal Description

The application is for a Lawful Development Certificate (LDC) for a Proposed Use or Development, the purpose of which is to ascertain if planning permission is required for the proposed use. An LDC would provide certainty over the need, or not, for planning permission. It does not the granting of planning permission in itself.

In relation to this application, The Pobl Group propose to use the property as a Supported Living home for 5no. elderly persons to live in the property under the supervision of 1no. staff at any one time. The evaluation of this application is therefore a technical decision as to whether the proposed use requires planning permission or not.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2024/00206	A lawful development certificate to for the proposed use of the property as a Supported Living home for 5no. elderly persons (C3 use class).	Pending Determination	

2.0 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 12

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.

3.0 REPRESENTATIONS

3.1 Consultation Replies

Llanfoist Fawr Community Council - Objects and wish the application to be considered by the planning committee for the following reasons.

LFCC consider the property inappropriate for a supported living home.

This is clearly not a simple extension of lawful use from C3(a) to C3(b).

LFCC share the concerns expressed by residents regarding the consultation process associated with this proposal.

3.2 Neighbour Notification

Letters of objection received from 23 addresses, these have been summarised to the following key points;

- The application involves a change of use from C3a to C3b and planning permission is required for the proposed new use. The property will become a care home and a commercial enterprise. The property will have 5 single tenancy agreements and therefore would not operate as one single household.
- Approving the application would devalue other homes and the property looks unsightly.
- That the proposed use would increase parking stress, more than that anticipated from an average household causing a dangerous situation on the roads and a visually unpleasant situation. The property only has parking for two cars and therefore is not suitable for 5 elderly people and a carer.
- Emergency services would fail to access the property on the narrow roads with a number of cars parked on the road.
- A single home would not fall under the fire safety regulations, where a care home would. The objector believes that the proposals fall under the Fire Safety Order 2005 and would

therefore be different use and require different fire safety measures, such as a sprinkler system.

- That the subject property overlooks a children's park which would be totally inappropriate and potentially unsafe for the use of clients with uncontrolled behaviours.
- Residents' needs could change over time and could serve a broader array of purposes beyond merely assisting the elderly, without any further planning approval. Concerns that the property could house individuals who have behavioural health conditions with the potential to cause anti-social issues or pose risks, especially to children.
- That the development sets a worrying precedent for changes of use that would change the nature of the estate and takes one more family home permanently off the market on an estate designed for that purpose. The property may need changes, including an external fire escape which would change the appearance.
- The concentration of adults at the property would increase waste
- When the estate was built, social and affordable housing was provided. Increasing this ratio is unnecessary and potentially places residents, many with children at risk of harm
- That the particular building is not suitable.
- The consultation process and assessment of the application carried out by MCC to date has been poor with little or no effort to engage. MCC have already determined the application without taking on board neighbour concerns.

3.3 Other Representations

None Received

5.3 Local Member Representations

None Received

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

4.0 EVALUATION

4.1 Principle of Development

The application relates to a Lawful Development Certificate (LDC) which is a legally binding document issued by a local planning authority to confirm that either:

- A proposed development does not require planning permission OR
- that development that has already taken place either did not need planning permission or took place so long ago that it is immune from enforcement action.

A LDC provides proof that a development (existing or proposed) is lawful, or that planning permission is required.

In this case the applicants are asking the Local Planning Authority if the proposed use requires planning permission. This application seeks a decision from the Local Authority as to whether the proposed use of the building as a supported living home for 5 elderly persons is lawful, in that planning permission is or is not required for the proposed use.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. Planning permission is not needed for a

change of use of land to a new use within the same class, unless restricted by a planning condition.

The question is whether the proposed use of the building results in a change of use from the existing. At present the property at 28 Jasper Tudor Crescent is a C3 Dwellinghouse, used as a sole or main residence, this falls under use class C3. Use class C3 is split into three categories.

- **C3(a)** covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- **C3(b)** up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- **C3(c)** allows for groups of people (up to six) living together as a single household to allow for those groupings that do not fall within the C4 HMO definition to be provided for, e.g. a small religious community may fall into this category as could a homeowner who is living with a lodger

Movement between these three categories is considered permitted development and would not require planning permission.

The Lawful Use Certificate is asking the Council as the Planning Authority if the use of the property falls within C3(b). If it is found that the proposed use is classified as C3(b) then planning permission will not be required, this is a matter of fact rather than a subjective issue.

The main issue in this case therefore is whether the proposed residents would be living together as a single household. There is considerable case law relating to this matter, most of which in Wales relates to residential care homes for children and when it is having a C3(b) use. Case law from England (*Barnes V Sheffield City Council 1995*) is helpful in determining what constitutes a single household. Some of the factors to take into account are:

- a) whether the persons living in the house came to it as a single group or whether they were independently recruited; what facilities were shared;
- b) whether the occupants were responsible for the whole house or just their particular rooms;
- c) whether individual tenants were able to, or did, lock other occupiers out of their rooms;
- d) whose responsibility it was to recruit new occupiers when individuals left;
- e) who allocated rooms;
- f) the size of the property;
- g) how stable the group composition was; and
- h) whether the mode of living was communal

To assist with this assessment additional information has been provided by the applicant to explain the proposals in more detail.

In this case, the group of 5 elderly ladies with learning difficulties are currently living together in another part of Abergavenny. The group has lived together for over 20 years. There is a low turnover of residents using the service as it is designated for adults with learning difficulties. In the last 5 years there has been one new service user joining the group. This change came about due to the death of a previous long-term resident. This is a very stable service provision. The carers provide background support to the group, helping with everyday living and assisting with some trips into Abergavenny. There is a carer on site at all times. There is an overnight shift where there is a carer on site, but is not required to be awake during that time. They are present to deal with any issues that may arise. Care is provided to the group as and when they may require it, including assistance with everyday activities (such as shopping or trips to Abergavenny). Each bedroom and the staff office/sleeping room will have a lock, with the service user and carers having keys. Rooms such as the living room and the kitchen have no locks on them. Service users are free to spend time together, or apart. Cooking is sometimes done together, or service users will prepare their own meals, with

assistance if it is required. There are no set meal times or provision of meals (as you may expect in a care home). Carers may eat with residents or not on a day-to-day basis. Residents are not 'monitored' in the sense of tracking all their movements and activities. The group's levels of independence vary from person to person, but these are in the nature of assistance when required, rather than being required to support them in all aspects of their lives. The resident's levels of interaction vary day to day and how the residents choose to spend their time (exactly like a single household).

4.3 Summary of Case Law

An inspector allowed an appeal and issued a LDC confirming that a group of five people with learning disabilities could lawfully occupy a house in east London without the need for planning permission, in Waltham Forest 31/07/2008 DCS No 100-057-069. The inspector decided that the issue was whether the use fell within Class C2 or Class C3(b). In dealing with this point various court judgements were referred to, the inspector placing particular weight on the judgement of *Hossack v Kettering Borough Council & another* 2002. In that case the court of appeal stated that Class C3 was intended to include small community care homes consisting of up to six people living together under arrangements which included some care from staff, whether the latter lived within the property or not. In his view, the residents would live together as a household and would enable those with learning difficulties including autism, cerebral palsy and Down's syndrome, who would otherwise have to be accommodated in an institution of some kind, to live as normal lives as possible within the local community. A member of staff would be present at all times but none would live on the premises. Residents would be selected and assessed in order to promote the formation of a living relationship between them and in this sense they would constitute a single household for the purposes of Class 3(b). There was no requirement, he ruled, for a resident carer to be part of the household in order for the use to fall within this class. Consequently, there would be no material change of use since the premises would remain as a dwellinghouse under Class C3.

An LDC was requested for the use of a dwellinghouse as a six-person care home for individuals recovering from mental ill-health. The scheme involved residents living together as a single household with the use of communal facilities and a member of staff sleeping in to provide 24-hour cover. The council refused to issue a certificate because the number of residents would exceed six and this would constitute a change of use from Class C3(b) of the Use Classes Order. An inspector held that whether staff should be counted as residents must be one of fact and degree. None of the staff would live permanently in the building but would take turns on a rota basis. It was concluded that staff should be regarded as residents thereby breaching the six-person threshold, but that it was also appropriate to assess whether there would be any material change from the last use of the premises as a dwellinghouse. The inspector felt that a normal dwellinghouse could well be occupied by an extended family which might include the care of children or the elderly. In addition, none of the residents would cook meals in their rooms since the intention was to rehabilitate them in a normal residential environment as part of the community. No material change of use was involved, see Waltham Forest 11/01/2001 DCS No 042-483-329.

A number of enforcement cases have been assessed at appeal, In Maidstone 02/10/2002 the inspector concluded that as of the occupants had a separate tenancy agreement and noted that the nature of the tenancy agreements indicated a degree of transience, greater than one would expect in a single household. In Macclesfield 08/09/2005 again placed emphasis on the tenancy agreements suggesting a constantly changing group of occupants. They noted that the communal areas could be shared but under strict supervision which was not something to be expected from a single household. Each of the bedrooms had locks, but this was in itself not determinative but noted that the short-term tenancies did not facilitate occupants to form close intimate relationships that might be expected as persons living together and therefore, they were not a single household. In Sheffield 01/2/2006 the inspector noted that there were no impacts from the present occupation that led to a significant increase in noise or activity and concluded that on the balance of probability there was no material change in use from a house being occupied by six persons living together as a single household.

4.4 Evaluation

In this case the number of residents proposed to occupy no 28 Jasper Tudor Crescent would not exceed 6. The proposed use includes small community care homes consisting of up to six people living together under arrangements which included some care from staff. The residents would live together as a household live and live normal lives within the community. Residents have been selected and assessed in order to promote the formation of a living relationship between them and in this sense they constitute a single household for the purposes of Class 3(b). This is with the aim of creating a cohesive stable and long term household helping to develop positive relationships between them. As identified above the current occupants have been living together as a group for 20 years suggesting a stable rather than transient occupancy profile.

In light of the case law and inspectors' decisions above, there is no need for a resident carer to be part of the household in order for the use to fall within this class. In this case the group composition is very stable, with a carer supporting where necessary and being able to sleep at the property overnight as per the other occupants, similar to a domestic employee. There would be locks on the bedroom doors but not on the communal areas, this is not unusual for a residential property in order to give privacy for personal care and sleep. Inspectors' decisions have considered this element but balanced this against the day to day activities in the household and not paid definitive weight to this. The model of use here is communal with residents having the shaded use of the kitchen/dinner, games room, garden and living room, the ability to cook together and to share in household chores. The occupants are well known to each other having lived together for some considerable time and have utilised communal spaces well not having set times to eat or being monitored in any way other than to have support where needed.

There would be no external alterations to the property and the property would remain typical of a residential dwelling. Unlike most residential properties, the residents generally do not have private cars. The carer may wish to drive to the property, in which case they would park on the drive or they may walk or arrive by public transport. The property is serviced with two off road car parking spaces and a double garage retained for parking by a condition on the original planning permission. During the day the cared-for residents would leave and return to the property on a daily basis, with the majority being unaccompanied and travelling by public transport or walking. Daytime visits from family members are anticipated, as well as a monthly visit by a chiropodist (no visits are planned by nurses or medical staff). However, the number of visitors would be no different than could be expected to be generated by any other C3 use. Therefore, the proposed use should not cause a materially greater detrimental impact in terms of car movements and parking demand than what would be reasonably expected to be generated by an average household within the same use class.

There is no evidence to suggest that the occupation of the building would increase noise or activity levels over and above the average household living in a property of this size. Occupants would have a bedroom space for quiet times and communal areas to socialise together, using the living rooms and garden spaces in the same manner as one household would.

In conclusion for the above reasons, including current case law, it is considered that the proposed use would align with the definition of a C3b and that movement within the C3 use would not require planning permission. The proposals relate to up to six people living together as a single household and receiving care, consequently, there would be no material change of use since the premises would remain as a dwellinghouse under Class C3. In summary, the use of the dwelling would not be materially different, in planning term to its use by a single household and no material change of use would occur.

4.5 Response to the Representations of Third Parties and/or Community/Town Council

The application that seeks a decision as to whether the development that is proposed is lawful or not, it is a matter of fact rather than an assessment of the merits of the proposals, to confirm, the assessment of the Certificate is not whether the development is appropriate or not, it is whether or not planning permission would be required for the proposed use. This has been addressed and considered above.

However, as a number of concerns have been raised, responses to these concerns are set out in turn below.

That the proposed development is a change of use. For the above reasons set out in the report it is considered that the proposed use falls within the same use class as the current legal use constituting individuals who, whilst receiving care, are living as one household sharing communal spaces and the general running of the home together.

That the proposed development would devalue the surrounding property prices. There is no evidence to suggest that the occupation of the property by 5 people in the form as proposed would devalue property prices. In addition, this is not a material consideration of the planning application and is given no weight in the assessment as to whether the proposed development constitutes a change of use.

That the development would increase parking stress and cause highway safety issues. During the day the cared-for residents would leave and return to the property on a daily basis, with the majority being unaccompanied. It is important to note that there will not be instances where residents will be picked up by minibuses or similar. Daytime visits from family members are anticipated, as well as a monthly visit by a chiropodist (no visits are planned by nurses or medical staff). The carers may arrive by car and park on the drive or they may choose to walk or travel by public transport. The level of traffic generated by this group of people living as a single household would not necessarily generate any more traffic movements that you would expect from any other property of this size. There is no reason to anticipate that the proposed occupiers would result in more deliveries to the property or that they would generate any more waste than the average household for a property of this size. There is no reason to suggest that the proposed use would generate a significant level of on road parking. In addition there is no evidence to suggest that the current parking provision and parking practices impede the emergency services, or that this development would cause obstruction in the future

That the development would need to comply with current fire safety regulations. The purpose of the planning legislation is to manage land use, the fire regulations sit outside of this remit and so their application is a separate matter not controlled or influenced by any decision made by the granting or not of this certificate. Where applicable, they are required to be adhered to separately to this certificate. In addition, the selected property will be registered and regulated by the Care and Social Services Inspectorate for Wales (CSSIW). The applicant, Pobl Group, are a fully registered service provider with Care Inspectorate Wales (CIW), again a process managed independently outside of the planning remit.

That the development could cause anti-social behaviour and could cause harm to children. The side gable of the property forms the boundary of the site with overlooking windows, to which it is immediately adjacent to the public open space providing children's play equipment. There is no evidence to suggest that the occupation of the property as proposed poses a risk to child safety or any other users of the public open space. It is unreasonable to assume that the proposed development would see an increase in risk over and above the occupancy of the property by any other household.

That the development would become a commercial activity and serve a broader array of purposes. The certificate is considered on the evidence submitted to the Planning Authority, to which it is considered that the development falls within the scope of one household living together and is within the use class C3. If this were to change, and the building was to be used for other purposes, for example a House of Multiple Occupation, then this would then be subject to a future planning application.

That the development would change the nature of the estate. As with other similar concerns, there is no evidence to suggest that 5 elderly occupants living as one household within this residential community would have an adverse effect and change the nature of the estate. It is considered that the household would function in the same manner as the other properties in the area.

That the development would increase waste. As with the above, there is no evidence to suggest that the proposed occupants of the dwelling would increase waste from the property over and above any other household living in a building of this size.

That social housing has already been provided when the development was initially built. This was the case, however the provision of affordable housing at the point of construction would not preclude any additional provision being provided at a later stage.

That the application property is not suitable for supported living. This is due to its three story nature and number of en-suite bathrooms. The residents in question already live as a family group in another part of Abergavenny but that premises is no longer financially nor operationally feasible. It is not within the scope of the certificate to assess whether the property provides suitable accommodation for the household or not. This is an assessment for the applicant to consider when allocating accommodation.

That the Planning Authority has not consulted or engaged with the local community about the proposals. Legally, in the case of a Lawful Development Certificate, there is no requirement for the Local Planning Authority to notify adjoining landowners or the community council, unlike a planning application. In this case Llanfoist Fawr Community Council was notified as a matter of courtesy. However, all the representations received from local residents and the community council have been read and their content noted.

1b 4.6 Well-Being of Future Generations (Wales) Act 2015

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

The information submitted and the assessment above demonstrates that the use of the site as a small Supported Living home (C3 use) for 5no. elderly persons to live in the property under the supervision of 1no. staff at any one time, would not represent a material change of use from the existing C3 dwellinghouse. The proposal would fulfil the criteria of C3(b) as the household would contain less than 6 residents living as one household where care is provided to a degree similar to that expected within a typical family home. Therefore, the proposal is lawful as it would not result in a material change of use and does not require the benefit of planning permission.

7.0 RECOMMENDATION: Approve

Reasons for Approval :

1 Reasons for Approval :

The information submitted and the assessment above demonstrates that the use of the site as a supported Living home for 5no. elderly persons under the supervision of 1no. staff at any one time would not represent a material change of use from the existing C3 dwellinghouse. The proposal would fulfil the criteria of C3(b) as the household would contain less than 6 residents and care is provided to a degree similar to that expected within a typical family home. Therefore, the proposal is lawful as it would not result in a material change of use. In this case planning permission is not needed.

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Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 27/03/2024

Appeal reference: CAS-03197-V2V5T0

Site address: Rose Cottage, Grange Wood, Knollbury, Magor NP26 3BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Carlo Bertorelli against the decision of Monmouthshire County Council.
 - The application Ref DM/2023/01617, dated 14 November 2023, was refused by notice dated 10 January 2024.
 - The development is Proposed new boundary wall and gateway to dwellinghouse.
 - A site visit was made on 18 March 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was made, a new version of Planning Policy Wales (PPW) has been published (edition 12). This largely consolidates previously published content, and I am satisfied that it does not raise any new matters which would have a significant bearing on this decision. Whilst the appeal application is not supported by a green infrastructure statement (GIS), as sought by PPW, I am dismissing the appeal and so did not invite the submission of a GIS.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site accommodates a detached residential property which faces a paved driveway and has a rendered flank wall fronting the highway. Located close to the M4 motorway in visual range of the settlement of Undy, the site lies near to other detached dwellings situated within generous plots. Other developments, including wind turbines, also form part of the surrounding landscape. Nonetheless, the immediate area is of tangibly rural character, being influenced primarily by the modest width of the lanes from which the site is accessed, which are predominantly bounded by hedgerows. Consequently, the experience of crossing the motorway in a northerly direction is one of leaving a settlement and entering the countryside.
5. Travelling north, the dwelling is prominently sited at the junction of two lanes. Its siting indicates that either it or a precursor has been present on this plot for a considerable time. Although the property has evidently been renovated and extended, its simple

pitched roofed form, regular fenestration and rendered finish has a benign influence on the rural character of the immediate area.

6. The appeal scheme comprises two walls to either side of a vehicular access point. The northernmost wall would be set back slightly from the dwelling's flank, and neither would be of significant length. However, both walls would be situated close to the highway and would be readily visible on the approach from the south. Whilst not wholly enclosing the driveway, their notable height, angular geometry, solid form and featureless finish would appear overwhelmingly austere. Their solidity would considerably urbanise the plot, jarring with the rural context to an extent which would substantially harm the area's character. The similar rendered finish to the dwelling would not alleviate this harmful visual effect.
7. Other dwellings nearby feature wholly or partially enclosed driveways. However, their front boundary treatments differ materially to that proposed, being composed of materials of more rustic appearance, including soft landscaping, and/or by having greater visual permeability at eye level. Whilst I have considered whether mitigation in the form of landscaping could acceptably overcome the identified harm, I am not able to conclude that this would be feasible, given the walls' notable height, their proximity to the carriageway and the need to secure acceptable visibility at the access point.
8. I acknowledge that the walls would increase the level of privacy within the appellant's property but any benefits of the proposal in this regard would not overcome the identified harm. I therefore conclude that the proposal would harm the area's character and appearance, in conflict with the objectives of policies DES1 and LC5 of the Monmouthshire Local Development Plan, which amongst other things seek for developments to respect local character and distinctiveness and avoid unacceptable adverse effects on the special character or quality of the landscape.
9. I have had regard to the other matters raised but none alters my decision. I therefore conclude that the appeal should be dismissed.
10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Paul Selby

INSPECTOR



Appeal Decision

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

an Inspector appointed by the Welsh Ministers

Decision date: 08/04/2024

Appeal reference: CAS-02884-D0W4R1

Site address: Wisteria Lodge, Sandy Lane, Caerwent Brook, Caerwent NP26 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Adam Phelps against the decision of Monmouthshire County Council.
 - The application Ref DM/2023/00377, dated 9 March 2023, was refused by notice dated 4 May 2023.
 - The application sought planning permission for the 'Proposed conversion of garage into two bedroom holiday cottage' without complying with conditions attached to planning permission Ref DC/2017/00078, dated 15 March 2017.
 - The conditions in dispute are No's 3, 4 and 5 which state that:
 3. The holiday let hereby permitted shall be used for the purpose of providing holiday accommodation only.
Reason: The provision of permanent residential accommodation would not be acceptable in the open countryside.
 4. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year.
Reason: The provision of permanent residential accommodation would not be acceptable in the open countryside.
 5. An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.
Reason: To ensure the accommodation is used as holiday let accommodation only.
 - A site visit was made on 16 January 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal form describes the proposed development as 'Modification of conditions 3,4 & 5 relating to application DC/2017/00078', even though the planning application form and written submissions confirm that it is the removal of these conditions that is sought. I have therefore dealt with the appeal as one that seeks the removal of Conditions 3, 4 and 5 of planning permission ref. DC/2017/00078.
3. The appellant refers to the application as one which is '*...not for a new residential unit*' but '*...simply a relaxation of restrictive conditions to a modern domestic garage*'. So as to avoid any misunderstanding, a decision under section 73 leaves the original planning permission intact and, if successful, an entirely new planning permission is granted. In this case, I must consider the question of whether, as a matter of planning judgment, the conditions should be removed; the effect of which could be an unrestricted dwelling if I were to grant planning permission without imposing the restrictive occupancy conditions subject to which the previous permission was granted.
4. Since the application was determined by the Council, Welsh Government has published Planning Policy Wales (PPW), Edition 12. As the implications of the changes to PPW do not affect the outcome of this appeal, I have not sought to canvas the views of the parties.

Background

5. As I understand it, planning permission was granted in 2008 for the 'Remodelling of house and garage', which related to the host property known as Mayfield with the garage providing ancillary accommodation to this existing property.
6. Planning permission was subsequently granted for the conversion of the same garage into a holiday cottage in 2017, which the Council states was justified under Policy T2 (Visitor Accommodation Outside Settlements) of the adopted Monmouthshire Local Development Plan (LDP) 2014. The permission was subject to conditions limiting its use to a holiday let given that it considered there was no justification for an independent dwelling in the open countryside.

Main Issue

7. Against the background that I have described, the main issue is whether the disputed conditions are reasonable and necessary having regard to the sustainability of the location and policies seeking to protect the countryside from unjustified development.

Reasons

8. The appeal property is a detached building known as Wisteria Lodge. It is accessed directly off a classified road and lies outside the settlement boundaries of Caerwent as defined on the proposals map to the adopted LDP. For planning policy purposes, therefore, it is located in the open countryside.
9. Accordingly, the Council assessed the proposal against LDP Policy S1, which seeks to direct new housing development to within settlements and states that outside the settlements listed in the policy, open countryside policies will apply and planning permission will only be granted for: (i) the conversion of a rural building (in the circumstances set out in Policy H4); (ii) the sub-division of an existing dwelling; or (iii) that necessary for agricultural, forestry or other appropriate rural enterprise in accordance with Technical Advice Note 6. In coming to its decision, it found conflict with Policy S1 insofar as the proposal would result in an unrestricted residential use in the open countryside and with the objectives of Planning Policy Wales (PPW) and Future Wales (FW) which seek to secure sustainable forms of development.

10. I note the appellant's contention that Policy S1 is a strategic one looking to control the spatial location of new development rather than restrict or control previous residential conversions. I do not dispute that the appeal property has already been granted planning permission for a residential use, albeit the conditions imposed on that planning permission restrict the use to holiday accommodation. Given that the effect of the removal of the occupancy conditions would be an unrestricted dwelling in the open countryside, I do not consider that it was inappropriate for the Council to apply Policy S1. Neither do I consider that its assessment of the 2017 application against other LDP policies directly related to visitor accommodation outside settlements means that it was not entitled to assess the proposal the subject of the appeal against Policy S1.
11. The appellant also questions the weight that should be given to LDP policies given that the plan is out of date. Although we are now beyond the plan period, the LDP remains part of the development plan. The development plan comprises FW and the adopted LDP. FW is the most recently adopted part of the development plan, and there is no compelling evidence before me to indicate that the LDP policies are no longer relevant or that they are inconsistent with the thrust of FW to locate development in the most sustainable locations and protect the countryside from unjustified development. This is also consistent with the overall aims of national planning policy advice in PPW.
12. Consequently, I find that the removal of the occupancy conditions would create an unrestricted dwelling outside a defined settlement and in the open countryside which, based on the evidence before me, would not constitute any of the exceptions listed nor would it be a use necessarily restricted to a countryside location. It therefore follows that it would fail to meet the requirements of Policy S1.
13. The appellant asserts that the Council also gave significant weight to LDP Policy H4, which relates to the conversion / rehabilitation of buildings in the countryside for residential use, in its assessment of the application despite that the appeal proposal is no such conversion. In response, the Council has confirmed that Policy H4 was explored as a potential means of justifying the proposed development, however, the proposal was not considered to meet the policy requirements, in particular criterion (e).
14. From my reading of Policy H4, it is clear that it is permissive of the conversion of a building in the open countryside for residential use where the criteria are met. In this case, the building has already been converted to a residential use and the removal of the disputed conditions is not needed to secure the conversion or retention of the building. Even if I were to assess the proposal against this policy, to my mind it would not comply with criterion (e) insofar as it is a modern building which would not be considered favourable for conversion. Although I acknowledge the appellant's assertion that this criterion is intended to relate to the conversion of modern portal framed agricultural buildings that were only permitted due to functional need, I am not convinced that this is the only scenario that the policy seeks to resist.
15. Notwithstanding the appellant's claim that Policy H4 is of little relevance to the appeal proposal, my attention is nonetheless drawn to the final paragraph of that policy, in which it is stated that any proposals not considered to be compliant with Policy H4 '*... will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation*'.
16. Dealing first with Policy T2, which relates specifically to the provision of visitor accommodation outside settlements, the appellant goes on to assess the proposal against this policy. Whilst I acknowledge that this policy informed the Council's decision in respect of the 2017 application for the conversion of the building to a holiday cottage, that is not what is now proposed and I am not therefore persuaded that it is the most

relevant policy against which to assess the acceptability of the appeal proposal. Furthermore, I understand from the Council that in its consideration of the 2017 application, the provision in the policy to comply with the criteria set out in Policy H4 was not engaged given that it was exceptionally justified under the latter part of the policy insofar as it represented the conversion of a building of modern construction that would be restricted by condition to tourist accommodation. Whilst the appellant argues that the conversion from a domestic garage to a holiday let should not have been considered an "exception", I have been provided with no compelling reasons why that should be so.

17. Turning to the second strand, that of the need for proposals not compliant with Policy H4 to be judged against national policies. Although I accept that the Council did not reference the specific elements of FW and PPW with which it finds conflict in its delegated report, it nevertheless sets out the primary objective of ensuring that the planning system contributes towards the delivery of sustainable development.
18. In its subsequent appeal statement, the Council makes reference to para. 4.2.25 of PPW, which states that *'In the open countryside, away from established settlements recognised in development plans or from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area'*. Similarly, FW references a plan led system, stating that unfettered residential units in the countryside are contrary to the basis of the plan led system and, instead, focuses such development in sustainable locations.
19. Be that as it may, the appellant has also made reference to para 3.60 of PPW which deals with development in the countryside, advising that it *'...should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled'*.
20. In the context of the above, and in support of the proposal, the appellant states that the appeal site represents a sustainable location, adjoining the village of Caerwent and approximately a 10 minute walk from the main amenities of the village. The appellant also argues that Wisteria Lodge cannot be considered to be in an isolated, open countryside location, as it forms part of a cluster of buildings.
21. In my opinion, the site's location cannot properly be described as 'adjoining the village of Caerwent' given that it is separated from the southernmost part of the village by intervening fields. Whilst it may be possible to walk to the village, such a journey would be via a highway with no footway along part of its length and limited street lighting. Thus, I am not convinced that it would be conducive to a safe and attractive journey for pedestrians walking in the carriageway, particularly during the evening or in inclement weather. Neither do I know whether the facilities and services on offer in the village of Caerwent would adequately cater for the day-to-day needs of future occupants without significant reliance on the private car as a means of travel to a main settlement further afield.
22. I also do not dispute that the appeal site forms part of a small group of dwellings; although not isolated therefore, I am not convinced that allowing the removal of conditions that restrict the use of this modern building, resulting in a more widespread distribution of unrestricted residential development in the countryside outside the existing settlement, would safeguard the character of the surrounding area.

23. Taking all of the above factors into account, I consider that the appeal site is not suitably located in relation to access to services and facilities and would not deliver a sustainable pattern of development as required by the development plan as a whole. Furthermore, it would undermine the Council's strategy in relation to the location of housing which directs such development to within settlements unless justified in a countryside location. The removal of the conditions in dispute and the use of the property as an unrestricted dwelling in the open countryside would fail to sit within the principles of sustainability contained in the development plan and national planning policy guidance.
24. In coming to my decision, I have had regard to whether there are other considerations that weigh in favour of the development. The appellant states that the holiday let use has become unsustainable and the only economically viable use would be a permanent residential use, whereas the Council argues that returning to an ancillary use to the main dwelling would be the most appropriate course of action. In this context, I am not persuaded that the appeal proposal is the only means by which the building can be used, but in any event, I do not consider such matters to outweigh the harm that I have identified for other reasons in the balance of acceptability.
25. I therefore conclude that the removal of the disputed conditions and granting permission for an unrestricted residential use would conflict with LDP Policy S1 and with the aims of FW and PPW, which seek, amongst other things, to ensure that residential development is directed to appropriate locations in order to deliver sustainable patterns of development and to resist unjustified development in the open countryside. Accordingly, I consider that the conditions in dispute remain both reasonable and necessary.

Conclusion

26. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.
27. 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 to make our cities, towns and villages even better places in which to live and work.

Melissa Hall

INSPECTOR

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Agenda Item 6

Monmouthshire County Council – Planning Appeals received 1st January to 31st March 2024

Application reference	Location	Description of development	Appeal Type	Appeal Method	Start date
DM/2023/01042	Land North West Of Holly Lodge Road From A48 To Dewstow Road Fives Lanes Caerwent Monmouthshire	Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for 5 horses, erection of ancillary storage building, construction of manege.	Appeal against Non Determination	Written Reps	18-Mar-24
E23/259	Plas Ivor Cottage Hill House To Llymon Brook Cross Ash Monmouthshire NP7 8PT	Appeal against	Appeal against Enforcement Notice	Written Reps	28-Feb-24
DM/2022/01410	The Old Telephone Exchange Crick Road Crick Caldicot NP26 5UT	Outline planning application for removal of existing residential caravan. Demolition of converted outbuilding and construction of detached dwelling.	Appeal against Refusal	Written Reps	10-Jan-24
DM/2023/01617	Rose Cottage Grange Wood Knollbury Magor Monmouthshire NP26 3BX	Proposed new boundary wall and gateway to dwellinghouse.	Appeal against Refusal	Fast Track Householder Appeal	14-Feb-24

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