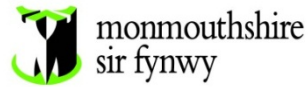


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday, 21st December 2018

Notice of meeting:

Planning Committee

Tuesday, 8th January, 2019 at 2.00 pm
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached).	
4.1.	APPLICATION DC/2018/01143 - OUTLINE PERMISSION FOR ONE BUILDING PLOT IN GARDEN OF BROOKSIDE. BROOKSIDE, WELL LANE, LLANVAIR DISCOED.	15 - 32
4.2.	APPLICATION DM/2018/01801 - ERECTION OF ONE DWELLING. 12 ELM AVENUE, UNDY, NP26 3EX.	33 - 38
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received.	
5.1.	New Appeals - 24th October 2018 to 18th December 2018.	39 - 40

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
P. Clarke
J. Becker
D. Blakebrough
L. Brown
A. Davies
D. Dovey
D. Evans
M. Feakins
R. Harris
J. Higginson
G. Howard
P. Murphy
M. Powell
A. Webb
Vacancy (Independent Group)

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 or is available here [Public Speaking Protocol](#)

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 can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

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.

Main policy context

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 (adopted March 2016)
- 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

National Planning Policy

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

- Planning Policy Wales (PPW) 10 2018
- 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 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

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

Planning (Wales) Act 2015

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

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

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.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. 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.

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.

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

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. 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.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak 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 speak for a maximum of 5 minutes.
 - 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.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/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 or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- 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 particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether 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. 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
at The Old Council Chamber, Shire Hall, Agincourt Square, Monmouth, NP25 3DY on
Tuesday, 4th December, 2018 at 2.00 pm**

PRESENT: County Councillor R. Edwards (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: L. Brown, A. Davies, D. Dovey, D. Evans, M. Feakins, R. Harris, J. Higginson, P. Murphy, M. Powell and A. Webb

County Councillors M. Groucutt and F. Taylor attended the meeting by invitation of the Chair.

County Councillor M. Feakins left the meeting during consideration of application DC/2011/00083 and did not return.

County Councillor D. Dovey left the meeting following consideration of application DC/2011/00083 and did not return.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
Joanne Chase	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor G. Howard

1. Declarations of Interest

There were no declarations of interest made by Members.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 6th November 2018 were confirmed and signed by the Chair.

The Head of Planning, Housing and Place Shaping informed the Committee that the Welsh Government had come to a decision to not call-in application DM/2018/00880 - Church Road, Caldicot. That means that the Council is free to issue the approval.

It was noted that a nearby Scheduled Ancient Monument, on the other side of the SSSI valley, had not been considered and Cadw had not been consulted.

However, the Welsh Government has consulted Cadw as part of its consideration of the call-in request. Cadw has highlighted the Authority's error but has also confirmed that it

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Old Council Chamber, Shire Hall, Agincourt Square, Monmouth, NP25 3DY on Tuesday, 4th December, 2018 at 2.00 pm

does not object to the proposed development. As such, the assessment of the application is not affected.

3. Application DC/2015/00554 - Construction of detached dwelling with parking and turning provision for 3 cars on existing domestic curtilage. Site adjacent to Cefn-y-Bryn, Grosmont, NP7 8ES

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

The Planning Committee had previously considered this application on 3rd July 2018 where it had been deferred to allow officers to negotiate with the applicant with a view to establishing a better solution to accommodate safer parking provision at the site with appropriate conditions in respect of the materials to be used.

It was noted that the Highways Department still has some concerns but had not commented formally on the revision. It was considered that the applicant had done enough to provide a reasonable level of parking provision and that this application was the best compromise that could be achieved. With regard to the turning area, it was considered that a vehicle could leave the proposed dwelling in a forward gear.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DC/2015/00554 be approved subject to the five conditions as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/00554 be approved subject to the five conditions as outlined in the report.

4. Application DC/2018/00138 - Erection of 2 no. Stable Blocks (amended to 1 no.) Land off Great Oak Farm Road, Bryngwyn, Raglan, Monmouthshire, NP15 2AN

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

The Planning Committee had previously considered this application on 7th August 2018. After discussions about the merits of the application, The Planning Committee had deferred consideration of the application until a revised site layout had been produced showing the stable block to be moved further away from the adjacent neighbour's property at Box Bush Barn.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Old Council Chamber, Shire Hall, Agincourt Square, Monmouth, NP25 3DY on Tuesday, 4th December, 2018 at 2.00 pm

Having received the revised plan, the application was then re-presented to Planning Committee. The development was then noted as being major development, as the site area exceeded one hectare and thus the proposal needed appropriate publicity to be regarded as a valid application. Following this, the application had been amended so that the site area was now under one hectare, having been reduced to the single field adjacent to the highway. The site measures 0.99 hectares. The proposed stable block has been moved further down the field away from the immediate neighbouring property Box Bush Barn and is now sited 43 metres away from the adjoining boundary. The proposed location of the manure heap is 60 metres away from the neighbouring boundary at Box Bush Barn.

A condition would be added, if consent is granted, as follows:

“No waste from the stabling and keeping of horses on the site shall be permitted other than in the location shown on the approved drawing.”

Reason: in the interest of local residential amenity.

Having considered the report of the application it was considered that improvements had been made to the access and the stables would be relocated.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2018/00138 be approved subject to the conditions as outlined in the report with an additional condition to ensure waste from the development is only stored in the location for the waste shown on the approved layout plan.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2018/00138 be approved subject to the conditions as outlined in the report with an additional condition to ensure waste from the development is only stored in the location for the waste shown on the approved layout plan.

5. Application DM/2018/00417 - Improved visibility vehicular access to New House, close up existing access. New House Usk Road Llangwm Usk Monmouthshire

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

In noting the detail of the application it was considered that the existing access was dangerous and needed to be closed. The proposed access had improved visibility and space.

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It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2018/00417 be approved subject to the five conditions as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00417 be approved subject to the five conditions as outlined in the report.

6. Application DM/2018/00466 - Provision of a new Public Lift to provide wheelchair access to the Library Hub on the first floor and Theatre on the second and third floor and staff access to the basement. Refurbish existing lift. Internal remodelling of existing ground floor office space to form Theatre foyer & office. Internal remodelling of existing first floor office space to form a new Library Hub & Mayor's Parlour offices. Provision of a new Library Extension. Provision of Stair lift access to provide wheelchair access to the Bar & WC in the Theatre on the second floor. Provision of a new rooftop plant deck. Abergavenny Town Hall, Abergavenny Town And Market Hall, Cross Street, Abergavenny

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

In noting the detail of the application it was considered that this development was urgently needed to improve the existing facilities within the building.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that application DM/2018/00466 be approved subject to the two conditions as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00466 be approved subject to the two conditions as outlined in the report.

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7. Application DM/2018/00908 - Extend opening hours only on Friday and Saturday nights from 00:00 to 2:00am. 35 Frogmore Street Abergavenny Monmouthshire NP7 5AN

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

The application seeks to extend the opening hours of an existing kebab shop in the centre of Abergavenny on Friday and Saturday nights from midnight to 2.00am.

An application to extend the opening hours to 2.00am was refused in 2017 as it was considered that there had been no material changes since a dismissed appeal in 2006. However, since this time the kebab shop has been granted a license by Monmouthshire County Council's Environmental Health Department to open until 2.00am. This application seeks to amend the condition on the original planning approval for the A3 use to match this licence.

In noting the detail of the application, it was proposed by County Councillor M. Powell and seconded by County Councillor L. Brown that application DM/2018/00908 be approved for a temporary period of twelve months to enable a review of how the use is being managed and that the Planning Department liaises with the Environmental Health Department to establish the Planning Committee's request to monitor this extended use over this period.

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

In favour of the proposal	-	11
Against the proposal	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00908 be approved for a temporary period of twelve months to enable a review of how the use is being managed and that the Planning Department liaises with the Environmental Health Department to establish the Planning Committee's request to monitor this extended use over this period.

8. Application DC/2018/01143 - Outline permission for one building plot in garden of Brookside. Brookside, Well Lane, Llanfair Discoed

We considered the report of the application, and late correspondence, which was recommended for approval subject to the six conditions as outlined in the report and subject to a Section 106 Legal Agreement.

We resolved that we be minded to defer consideration of application DC/2018/01143 to the next Planning Committee meeting to ensure that public speaking takes place.

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9. Application DM/2018/01283 - Development of 2 no. residential dwellings and associated works. Infill Plot 1 And 2 At Garden Of Hillcrest Lansdown Road Abergavenny Monmouthshire

We considered the report of the application, and late correspondence, which was recommended for approval subject to the six conditions as outlined in the report and subject to a Section 106 Legal Agreement.

The local Member for Lansdown, attending the meeting by invitation of the Chair, outlined for following points:

- The application is opposed by Abergavenny Town Council, Abergavenny Civic Society and local residents as it was considered that the proposed development would result in overdevelopment of the site and would be out of keeping with the surrounding area.
- Woodland would be removed to accommodate two large detached houses.
- Lansdown Road consists of listed and Victorian properties.
- The application does not comply with the Local Development Plan (LDP).
- The proposal will result in an adverse impact on the amenity of other properties along Lansdown Road and Highfield Crescent.
- The application process has not been totally transparent as Highfield residents had not been consulted on the proposal.
- The local Member and objectors would accept one property on the site but not two.
- Bungalows on the site would be appropriate.
- No further development of the site should be a condition should the application be approved.

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

- The application has already received outline planning permission for two detached dwellings so changing the proposal to accommodate bungalows is not an option.
- Local residents have been consulted.
- Some Members considered that the proposed development is in keeping with the surrounding area.

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- There will be some trees retained on the site.
- Other Members considered that the application does not comply with Policy DES1 and that the proposed development is not in keeping with the existing street scene. In response, the Development Management Area Manager informed the Committee that the proposed development will be located on a lower density site in a large plot setting with a mix of houses in the area. The proposed development is therefore not considered to be out of keeping for the area.
- Conditions be added to the application to address samples of materials to be approved. The Delegation Panel to consider the palette of materials proposed and to consider future permitted development rights.

The local Member summed up as follows:

- The application was outside of the LDP.
- The proposed development will create a negative impact on the street scene.
- If approved, a request was made for future permitted development rights to be removed at this site.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that application DM/2018/01283 be approved subject to:

- The six conditions as outlined in the report.
- A Section 106 Legal Agreement.
- Conditions being added to the application to address samples of materials to be approved.
- The Delegation Panel considering the palette of materials proposed.

However, the proposer and seconder were asked if they would amend their proposal to include no further permitted development rights on the site, which was agreed.

The Chair therefore asked the Committee to vote on whether to remove future permitted development rights on the site.

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

In favour of the removal of future permitted development rights	-	8
Against the removal of future permitted development rights	-	2
Abstentions	-	0

The proposal to remove future permitted development rights was carried:

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It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that application DM/2018/01283 be approved subject to:

- The six conditions as outlined in the report.
- A Section 106 Legal Agreement.
- Conditions being added to the application to address samples of materials to be approved.
- The Delegation Panel considering the palette of materials proposed.
- Future permitted development rights being removed.

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

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	1

The proposition was carried.

We resolved application DM/2018/01283 be approved subject to:

- The six conditions as outlined in the report.
- A Section 106 Legal Agreement.
- Conditions being added to the application to address samples of materials to be approved.
- The Delegation Panel considering the palette of materials proposed.
- Future permitted development rights being removed.

10. Application DC/2011/00083 - Proposed retail development (detailed submission) (Amended plans received 12/09/2018). Magor Motors, Newport Road, Magor

We considered the report of the application, and late correspondence, which was recommended for approval subject to the 22 conditions as outlined in the report and subject to a Section 106 Legal Agreement.

The application was reported to Planning Committee on 17th January 2012 whereby the Committee resolved to approve the application subject to the applicant entering into a Section 106 legal agreement to provide:

- Use of the Wheatsheaf car park as an overflow car park in perpetuity.

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- The provision, maintenance and updating of signage and information boards about facilities available in the Magor central shopping area and the history of the locality including Magor Conservation Area.
- Off-site road works including in respect of the service exit onto Main Road and the provision of a section of footway past the site on Newport Road.

The local Member for Mill ward attended the meeting by invitation of the Chair and outlined the following points:

- The proposed development does not offer a sustainable future for Magor Square and does not enhance the central shopping area.
- The proposed retail development is neither a convenience store nor is it a trolley shop establishment.
- There were concerns as to how the proposed retail development will enhance footfall into Magor Square.
- Footfall to Magor Square is currently dropping.
- Approval of the proposed retail development would be detrimental to the existing Co-op store which might lead to the closure of the store.
- The Internal Drainage Board no longer exists. It is not clear from the report whether an up to date response has been received from the appropriate body in respect of surface water run-off into the adjacent river.
- The Committee was asked to defer consideration of the application in order to obtain a response from Natural Resources Wales (NRW) and Welsh Water.
- The Highways Department has reservations regarding egress onto the B4245.
- In recognition of the safe route to school, an enhanced footway would be required, due to increased vehicle movements.

Ms. S. Franklin, representing supporters of the application, attended the meeting by invitation of the Chair and outlined the following points:

- The proposed retail development will bring businesses and people into Magor Square.
- The Co-op is not located within Magor Square and does not bring people into the Square.
- Footfall to Magor Square has been declining over the last three years due to inadequate signage.

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- With further housing development coming into Magor there is a need for the proposed retail development.
- The proposed retail development will help to regenerate footfall to Magor Square.

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

- The area as a whole was developing and therefore required a retail development at this location.
- Car parking provision is an issue in this area. However, there were existing car parks in the area.
- Residents would be encouraged to shop locally if there was a choice. Approval of the application will provide this choice.
- The proposed retail development will help to retain the post office and be a benefit to the local community.
- It was considered that an amendment to condition 5 was required to include submission, approval and implementation of a Travel Plan for staff of the proposed store.
- Caldicot and Wentlooge Internal Drainage Boards had been incorporated into Natural Resources Wales (NRW). Therefore, consultation had been undertaken with the appropriate body. It was noted that under the original application, consultation had been undertaken and no objections had been received.

The local Member summed up as follows:

- Concern was expressed regarding the lack of consultation.
- The Internal Drainage Board being incorporated into Natural Resources Wales had not been made clear.

It was proposed by County Councillor A. Davies and seconded by County Councillor D. Evans that application DC/2011/00083 be approved subject to the 22 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Condition 5 be amended to include submission, approval and implementation of a Travel Plan for staff of the proposed store.

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

In favour of the proposal	-	9
Against the proposal	-	0
Abstentions	-	2

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The proposition was carried.

We resolved that application DC/2011/00083 be approved subject to the 22 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Condition 5 be amended to include submission, approval and implementation of a Travel Plan for staff of the proposed store.

11. Application DM/2018/01496 - Demolition of existing bungalow and erection of 2 no. two-storey dwelling houses with associated works. The Slades, Tump Lane, Undy

We considered the report of the application, and late correspondence, which was recommended for approval subject to the 10 conditions as outlined in the report and subject to a Section 106 Legal Agreement.

In noting the detail of the application, it was proposed by County Councillor D. Evans and seconded by County Councillor J. Higginson that application DM/2018/01496 be approved subject to the 10 conditions as outlined in the report and subject to a Section 106 Legal Agreement.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01496 be approved subject to the 10 conditions as outlined in the report and subject to a Section 106 Legal Agreement.

12. Application DM/2018/01525 - Proposed Cattle Building & Removal of Former Cattle Shed. Kemeys House Farm Church Lane Kemeys Commander Gwehelog Usk

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

In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Edwards that application DM/2018/01525 be approved subject to the three conditions as outlined in the report.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2018/01525 be approved subject to the three conditions as outlined in the report.

**13. Application DM/2018/01526 - Agricultural building housing farm animals.
Kemeys House Farm Church Lane Kemeys Commander Gwehelog Usk**

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

In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Edwards that application DM/2018/01526 be approved subject to the three conditions as outlined in the report.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01526 be approved subject to the three conditions as outlined in the report.

**14. Application DM/2018/01575 - Construction of 2no. Residential Dwellings.
Cap House Grosmont Road, Llangua, Grosmont, Abergavenny**

We considered the report of the application, and late correspondence, which was presented for refusal for one reason.

In noting the detail of the application and the recommendation for refusal, it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Edwards that application DM/2018/01575 be refused for the one reason, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01575 be refused for the one reason, as outlined in the report.

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15. Appeal decision - 10 - 14 St. Mary Street, Monmouth

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 31st October 2018. Site address: 10 - 14 St. Mary Street, Monmouth.

We noted that the appeal was allowed and listed building consent was granted for the opening up of the floor at the rear of the courtyard to investigate lower layers and doorway to cellar at 10 - 14 St. Mary Street, Monmouth NP25 3DB in accordance with the terms of the application Ref DC/2017/01380, dated 27th November 2017 and the plans submitted with it subject to the conditions set out in the annex to the decision.

16. Appeal decision costs - 10 - 14 St Mary Street, Monmouth

We received the Planning Inspectorate report which related to a costs decision following a site visit that had been made on 31st October 2018. Site address: 10 - 14 St. Mary Street, Monmouth.

We noted that the application for an award of costs was refused.

17. Appeal decision - 1 Ramp Cottage, Undy, Caldicot

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 31st October 2018. Site address: 1 Ramp Cottage, Undy, Caldicot.

We noted that the appeal was dismissed.

18. Appeal decision costs - 1 Ramp Cottage, Undy, Caldicot

We received the Planning Inspectorate report which related to a costs decision following a site visit that had been made on 31st October 2018. Site address: 1 Ramp Cottage, Undy, Caldicot.

We noted that the application for an award of costs was refused.

The meeting ended at 4.30 pm.

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DC/2018/01143

OUTLINE PERMISSION FOR ONE BUILDING PLOT IN GARDEN OF BROOKSIDE

BROOKSIDE, WELL LANE, LLANVAIR DISCOED

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 19/07/18

1.0 APPLICATION DETAILS

- 1.1 This outline planning application was deferred at the meeting of committee held on 4th December 2018, to ensure that public speaking at committee takes place. The application is therefore re-presented for Members to determine.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

1.1 This is an outline application, with all matters reserved for the erection of a detached dwelling in the grounds of Brookside in Llanvair Discoed. The indicative layout shows the new dwelling to be sited on the southern part of the site utilising the existing vehicular access, with a new access being created further up Well Lane for the existing dwelling. The footprint of the dwelling would be a maximum of 12 metres by 12 metres. There are several mature trees on the site, some of which would have to be felled to accommodate the new dwelling. Following negotiations with officers the scheme has been amended from two dwellings to one. There was full re-consultation on the amendment. A table has been submitted showing the maximum height for the building to be 12 metres with a maximum footprint of 14 x 14 metres. The minimum parameters are 8 metres to the ridge and a footprint of 8 x 8 Metres.

- 1.2 Llanvair Discoed is identified as a Minor Village in the LDP and the site is located within a Minerals Safeguarding Area and a Sources Protection Zone 1 (SPZ1).

2.0 RELEVANT PLANNING HISTORY

DC/2013/00305 Second storey extension - Approved 17.06.2013

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
- S15 LDP Minerals
- S17 LDP Place Making and Design

Development Management Policies

H3 LDP Residential Development in Minor Villages
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP5 LDP Foul Sewage Disposal
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caerwent Community Council - Refuse

Our previous objections dated 15th August still stand in regard to this application. We have received further concerns regarding precedent and overdevelopment, ecological impact, drainage, safety and vehicular/pedestrian access, effect on privacy, light and enjoyment of property. In addition, real concerns regarding damage to air quality during necessary heavy vehicles emptying the required cess pits and increased blocking of Well Lane through building works and additional cess pit emptying preventing emergency ambulance access to the care home at the top of Well Lane. Very strongly, therefore, the consensus is still to reject this amended planning application.

Caerwent Community Council – Initial response sent 15/08/18

The Welsh Office rejected an appeal for a dwelling in the grounds of a property in Llanvair Discoed on the grounds that the village is characterised by sizeable properties on large plots and that to allow an application on this site would set a precedent leading to multiple applications.

Damage to the character and nature of this mature residential area.

Neighbours will submit similar applications

Contrary to MCC policies as this is a minor village

Damaging to the stream and its banks

Detrimental to residents

Detrimental to ecology

Loss of trees

Poor visibility from the new access

Safety issues for walkers

Road not suitable for large vehicles

Encroach on neighbouring properties when turning into new driveway

Installation of three sealed cesspits and heavy tankers will be required weekly to empty the tanks

The tankers will damage the lane, the banks of the stream and trees

Increase in traffic

Construction traffic will cause damage

Inconvenience to local residents

No mains sewers in Llanvair Discoed

Existing cesspit is in neighbour's garden

Supply of fresh water is already a problem

Disposal of grey and black water is a problem

Water course could be compromised

Negative impact on drainage and water flows

The village already floods in winter

Intrusive impact on 9 Court House Road

Loss of privacy light and enjoyment for neighbouring properties
There may be restrictive covenants limiting development to single dwellings
The applicant has been a major objector to similar developments
The site plan is inaccurate, misnaming neighbouring properties

Natural Resources Wales - We do not object to the application as submitted.

We note that the application is for outline planning permission for one dwelling. The application is within a sensitive location as it overlies a Sources Protection Zone 1 (SPZ1). Source Protection Zones are designated by Natural Resources Wales to identify those areas close to drinking water sources where the risk associated with contamination is greatest. No information had been provided regarding the disposal of foul waters from the proposed development. We understand that the development is not served by the public foul sewer. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities. In this instance, no information has been submitted.

We therefore refer the applicant to the Environment Agency's approach to groundwater protection, which Natural Resources Wales has adopted. Section G concerns discharge of liquid effluents into the ground. Position statements G2 and G6 state the following.

G2 – Sewage effluent discharges inside SPZ1

Inside SPZ1 all sewage effluent discharges to ground must have an environmental permit. All permit applications will be considered on the basis of risk assessment and the appropriateness of the discharge with respect to the local environmental setting. For new discharges you should contact Environment Agency (NRW) to discuss whether or not it is likely to grant a permit.

If an unpermitted discharge is discovered in a SPZ1 and there is evidence of pollution or a significant risk of pollution, the Environment Agency (NRW) will work with the operator to address the issue on a site specific basis. Where necessary, the Environment Agency (NRW) may use a notice to deal with any unacceptable discharge.

G6 – Cesspools and cesspits

The Environment Agency (NRW) does not encourage the use of cesspools or cesspits, other than in exceptional circumstances. A cesspool or cesspit is a sealed unit that is used for the storage of untreated sewage. There must be no discharge to the environment. Poorly managed cesspools and cesspits present a considerable risk of causing pollution, which can be difficult to monitor and correct.

We understand from correspondence from your authority that foul drainage proposals will be to a new cesspit. We advise the applicant must therefore fully justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in the Circular and Building Regulations Approved Document H. The Local Planning Authority will need to be satisfied that the sewerage arrangements are suitable.

Flood Risk

We note that the site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004). In addition, we are not aware of any localised flooding in this area. We advise that the Authority's Land Drainage Department may hold records and can advise further on surface water requirements.

MCC Flood Risk Manager- We note that new crossings of the watercourse would likely be required for the building plots.

I take this opportunity to draw your attention to the likely requirement for an Ordinary Watercourse Consent to be obtained prior to construction of any such crossing. Details are available on our website. Please note that Ordinary Watercourse Consenting sits outside

the planning regime. Receipt of planning consent does not in itself imply a right to undertake works within the watercourse.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection.

We identified a possible historic environment issue regarding this application; consequently, we have consulted the further information on your website and in the Historic Environment Record.

The Historic Environment Record notes that the area of the current house and garden and proposed houses falls within the northern part of an area of orchard to the Court House, as shown on the Tithe Map of 1846. The core focus of the historic settlement is to the south west, where the castle is a Scheduled Monument Cadw reference MM047, and is beside the church of St Mary; both are thought to date from the 13th/14th centuries. Llanfair is also c2.5km from the Scheduled Monuments of the Roman town of Caerwent, and within 1km of the Scheduled Monuments of Five Lanes Roman Villas, and finds of Roman date are noted in the vicinity.

However, it is our opinion, given the current information, that the proposals will not encounter any buried archaeological remains. Given the current information, therefore, it is our opinion that there will not be a requirement for archaeological mitigation works.

As the archaeological advisors to your Members, we therefore have no archaeological objection to this application. The Record is not definitive, however, and should any archaeological remains or features be encountered please contact us, as these may be a need for archaeological mitigation in order that information is not lost without record.

MCC Housing - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £27,685

The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

MCC Highways comments received 25/09/18

The Application is for the sub-division of the existing residential dwelling plot into 2 separate units. The southern part is intended for use as a building plot.

The southern plot will utilise the existing vehicular access to/from the public highway (Well Lane).

The existing residential property, known as "Brookside", will require a new vehicular access to/from Well Lane. This is included in the submitted proposal.

Insufficient information is provided by the Applicant to allow consideration of the proposal. No details of the construction make-up of the proposed access road has been provided. The Applicant should note that, where feasible, permeable paving or other forms of sustainable drainage systems should be specified.

No details of the visibility available from the proposed access road onto the public highway has been included. Visibility to current design standards should be provided. The presence of extensive tall vegetation along the property boundary at the location of the proposed access is noted.

There is an existing surface water drainage ditch is located directly alongside Well Lane. The Applicant has not provided details as to how the integrity of this drainage feature will be maintained where the proposed vehicular access crosses the ditch. It should be noted that any culverting works will require separate land drainage consent from the Highway Authority therefore the applicant should contact the Land Drainage Department on 01633 644644.

Consideration should be given to the conversion of the existing access and driveway, serving Brookside, into a shared use driveway serving Brookside and the proposed

development, thus removing the need for a new access onto the public highway and works to the existing drainage ditch infrastructure.

In light of the above we would object to the application in the absence of information and request that the applicant consider our comments with a view to submitting additional information to our satisfaction.

MCC Highways comments received on 18/10/18 – No Objection.

The application is for outline planning permission with all matters reserved including highways matters. We would therefore comment that we as Highway Authority have no grounds to sustain an objection to outline planning approval subject to the applicant addressing all of our concerns at the reserved matters stage. We would recommend that our initial comments be conditioned as part of any outline consent.

MCC Highways comments received 16/11/18

With reference to earlier comments in respect of this application I can advise that the highway authority have had cause to review the comments provided, these comments have been informed following a site inspection of the proposed development on the 1st November 2018 and with particular regard to Well Lane and the locality.

The Highway Authority note that the application is an outline application with all matters reserved. The Highway Authority would not object to the construction of a further dwelling served off Well Lane; the development of a further dwelling would not lead to a real deterioration in highway safety or capacity. However, we would offer the following comments to either accompany this application or for further consideration at reserved matters or full application stage:

- It should be noted that the proposed dwelling located within the grounds of Brookside will utilise the existing shared access and not a shared drive.
- The Highway Authority as indicated on 18/10/2018 would offer no objections and have no grounds to sustain an objection to the proposal on highway grounds, the creation of an additional dwelling off Well Lane would not represent a shortfall in highway standards that would lead to a real deterioration in highway safety or capacity.

The Highway Authority recognise the environmental and physical constraints associated with Well Lane therefore if the planning authority are minded to approve the outline application the highway authority recommend appropriate conditions.

MCC Tree Officer - I have not carried out a site visit, however, there is sufficient evidence on aerial photography to demonstrate that there is a significant constraint in terms of trees. Accordingly the applicant is required to submit a tree survey in accordance with BS5837:2012 – Trees in relation to Design, Demolition and Construction Recommendations.

The report will include the following information:

- A scaled plan of the layout showing retained trees and their root protection areas.
- Arboricultural Method Statement.
- Arboricultural Impact Assessment.

4.2 Neighbour Notification

Initial consultation, letters of objection received from 14 addresses

Close to adjoining properties
Development is too high
Inadequate Access
Increase in traffic
Over development

Strain on existing community facilities
 Adverse impact on the fabric and character of the village
 Covenants on Court House Road restricting new buildings
 There will be an increase in traffic as a result of the need to empty the cess pits
 Impact on the road surface, verges and stream from tankers used to empty the cess pits
 No mains drains in the area
 Further pressure on water levels
 All utility suppliers should be given full details of the proposal
 Applicant has objected to similar proposals
 This will set a precedent leading to the loss of village community
 MCC has a responsibility to uphold the environment, health and safety of residents and the financial implications needed to deal with the aftermath of a decision in regard to maintenance and upkeep
 Too close to common boundaries
 Overlooking /loss of privacy
 Problems with cess pits
 No other permanent building can be erected on the plot
 Original planning permission only allowed for one dwelling per plot
 Loss of trees and impact on biodiversity
 Increase in traffic to empty cess pits
 Impact on the drainage field of adjoining properties
 A previous application was turned down by Welsh Office because it would set a precedent which would lead to multiple applications
 Impact on pedestrians
 Vehicles would drive into Bryn Adam
 Damage to the stream and the banks
 Supply of fresh water and disposal of grey and black water is already a problem
 Obstruction of lane by tankers emptying cess pits
 May compromise underground water courses/ springs
 Inadequate infrastructure
 Disruption during construction
 Detrimental to adjoining properties
 It would be better to build on the edge of the village
 Adverse impact on village form
 Poor access no footpaths
 Loss of mature trees
 Negative impact on drainage and water flows
 Village floods in winter
 Economic advantage for the applicant
 Poor visibility from proposed access
 Traffic has increase over the past 28 years, now more properties on Well lane
 No highway regulations were imposed resulting in disputes over turning on private drives
 Increase in accidents as a result of the previous development
 NRW needs to be informed because of increased risk of flooding from the stream
 Respecting the environment should be on MCC agenda
 Contrary to MCC clean air strategy as the lorries emptying the cess pits issue dirty emissions while emptying the tanks that can take up to 40 minutes so increase pollutants into the air.
 Poor access from the main A48
 Road will have to be closed while the cess pits are being installed, this could be life threatening; restricting the access to an existing residential nursing home
 Cess pits will exacerbate flooding in the area
 A previous development company was fined by HSE for illegal and dangerous excavations (MCC chose to ignore this)
 Impact on archaeology
 Bat survey is required

Need to consider how the properties will be heated, will they need fuel tanks
MCC made many mistakes on adjacent plot
Part of the stream may be made into a culvert
Cess pits and foundations could impact on drainage patterns
We do not believe that staff within MCC planning department are sufficiently robust to legally and safely ensure that any development is done correctly except using Lego bricks and then only under supervision
Construction would cause noise and disturbance to the village
MCC is incompetent based on previous experience something that the current applicant believed in at the time
There are no pavements on Well Lane

Further comments received from 8 addresses after re-consultation on the amendment to reduce the scheme from two to one dwellings.

WG set a precedent in the village
Damage to the stream and trees
Cesspit issues
Damage to the environment
The amendment does not address any of our objections
The village is the gateway to one of the oldest woods in Wales and should be protected
The new access will affect a Copper Beech Tree
The Tree Officer should visit the site
Well Lane cannot support an additional dwelling without a significant adverse impact on the natural environment
Site Notice was not visible enough as it was put on a no through road
Object to the amendments on the same grounds as the original
Will destroy a major length of stream and its banks
Lorries will use neighbouring properties in which to turn
Reduction to one plot makes no difference to the issues
Serious sustainability issues with the sealed cess pit to the residents from pollution and the occupiers due to the cost of emptying
The amendments do not address our concerns
The gardens of these properties are an important part of the character of the village; they create a rich habitat for wildlife
Set a further precedent of turning gardens into building plots solely for financial gain damaging the village community.
Refusal to allow another dwelling to utilise our shared access. My property shares an access with Brookside protected by a covenant stating use by one dwelling only. Therefore I strongly object to another property using this access along with the associated heavy traffic that would be required to construct the property and the subsequent and ongoing heavy lorry movements to empty cesspits etc., and as such I would advise the council that in no way will I allow, under any circumstances, extra traffic access across my shared area of the driveway.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Llanvair Discoed has been identified in Policy S1 of the LDP as a 'Minor Village' where small scale residential development will be allowed in accordance with the circumstances set out in LDP Policy H3. Policy H3 states that in Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings subject to detailed planning considerations. These would include there being no unacceptable adverse impact on the

village form and character and surrounding landscape and other policies in the LDP that seek to protect existing retail, employment and community uses. In this case the garden area of Brookside is of sufficient size to conformably accommodate an additional dwelling of the scale set out in this outline application and its associated amenity space, parking and services. The proposal constitutes “infill” development as the plot is surrounded on all sides by existing residential development. The residential plots in this part of the village are especially large and characterised by open spaciousness. However, the plot at Brookside is over 70 metres long and averages 35 metres wide so even when subdivided would provide two spacious plots which were not out of keeping with the character of the area. Three new dwellings have recently been completed at Rose Court on the opposite side of the road. The proposal certainly consists of minor infill of a small gap between existing residential dwellings and therefore the principle of residential development is acceptable in this location and is compatible with the objectives of Policy H3 of the LDP.

5.2 Previous Appeal Decisions

5.2.1 In 1996 a planning appeal was dismissed for a separate residential dwelling to be built in the grounds of 3 Court House Road in Llanfair Discoed. The new dwelling was to be attached to the east elevation of the existing bungalow, which occupied the central part of the plot. In his report dismissing the appeal the inspector referred to paragraph 84 of PPW which says that in established areas insensitive infilling or the cumulative effect of development or redevelopment should not be allowed to damage an area’s character or amenity. The inspector said that in his opinion, the essential character and appearance of the locality was one of spaciousness and privacy contributing to an exclusive and highly desirable residential environment. He sympathised with the councils desire to protect the character and appearance of the locality which he felt was consistent with the emerging Local Plan Policy H4. Since that time PPW has undergone many amendments but the current version still refers to infilling in Chapter 9.3. The current version of PPW states “Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing. In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas”.

5.2.2 While the sentiments of preserving an areas character and amenity remain the same from the original PPW written in the 1990s, the two proposed developments are quite different. It is still important to preserve an area’s character from insensitive infill. The properties on Court House Road are large and situated in the centre of spacious plots while the existing property at Brookside is located in the northern part of the plot and therefore, if a new dwelling were to be constructed in the grounds there would be significant amenity space around both the existing and the proposed dwellings. Another significant difference is that while the plots in Court House Road are exceptionally large, the plots on Well Lane are generally smaller. One new dwelling in the grounds of Brookside would not significantly change the character of the area. When dismissing the previous appeal, the Inspector referred to the relationship between the proposed new dwelling and the existing one as they would have shared amenity space, being attached, and result in the front door or one being close to the bedroom window of the other and that this would lead to mutual disturbance and possible dispute. This is not the case with the application which is currently under consideration.

5.2.3 When dismissing the previous appeal the Inspector stated that he was concerned “as to the likely deleterious impact of sub-division of other plots in the cul-de-sac which would inevitably ensue. The cumulative impact would be likely to cause serious harm to the character of this pleasant locality.” There the Inspector was considering the change in character of the area if all the dwellings on Court House Road were to subdivide their plots. As planners we should consider each application on its own merits. If we receive applications from other properties in Llanvair Discoed to subdivide their plots then each should be considered on its own merits. This is not a reason for refusing the current application.

5.2.4 There have been several changes in circumstance since the dismissal of the appeal at 3, Court House Road: PPW has been amended and the Monmouth Borough Local Plan was superseded by the Monmouthshire Unitary Development plan and then in 2014 by the current Local Development Plan. Planning policy has evolved over the past 20 years since the appeal decision at 3 Court House Road. While the “Impact of a development on the character of an area” still applies the current proposal of one new dwelling in the grounds of Brookside would not have an adverse impact on the character of the area. The spaciousness and amenity around buildings in the area would be retained. The fact that an appeal was dismissed on a different plot in the area 20 years ago is not sufficient reason for refusing this current application, circumstances have changed and each application should be determined on its merits.

5.2.5 In 2006 an appeal was dismissed for the erection of a detached dwelling and garage in the grounds of 14 Court House Road. At that time the Inspector evaluated the proposal against the policies of the Gwent Structure Plan and the Monmouth Borough Local Plan. He considered that in line with Policy H4 of the Local Plan the landscape, village form and character should be considered and noted that Policy D1 of the Local Plan sought to secure high standards of design and appearance and respect the existing scale, pattern and character of its setting. He also referred to the policies of the emerging Monmouthshire County Council Unitary Development Plan which at the time was emerging and not adopted, but did have similar policies to the Gwent Structure Plan and the Monmouthshire Borough Local Plan. When dismissing the appeal the inspector said that he found the spaciousness around the dwellings to be a particular characteristic of this part of the village. He noted that national and local planning policies were supportive of new housing developments within settlements but reminded us that PPW advises that such development should not damage an area’s character and amenity. He stated that he accepted that the large garden could accommodate an additional dwelling but he thought that it would not be in keeping with the existing pattern of the settlement and would be detrimental to the character of the surrounding area. He thought that the proposed dwelling at no 14 Court House Road would be detrimental to the appearance of the surrounding area and would result in inappropriate and insensitive infilling. The proposal was to subdivide the garden of no 14 and to build a new dwelling in the southern part of the site because no 14 is set in the centre of the plot and the proposed dwelling would occupy a much smaller plot to those of the surrounding properties. In addition no 14 Court House Road is seen in visual terms to be part of Court House Road, an estate of similar dwellings all built at the same time and of similar design. Brookside is seen in visual terms to be part of Well Lane where there is a more varied mix of house types. The configuration of the plot is also very different with Brookside occupying the northern part of the curtilage. Thus, no direct comparison can be made between the two cases, and each application should be considered on its merits. Since the appeal at 14 Court House Road was dismissed, there has been a material change in circumstances with the adoption of the Monmouthshire LDP in 2014.

5.3 Highway Considerations

5.3.1 When the initial comments were received from MCC Highway Engineers in September, they were unaware that this was an outline application and that access was a reserved matter. Subsequently they had requested details of the access. Once it was ascertained that this was an outline application they withdrew their objection. There is sufficient capacity within the surrounding road network to accommodate one additional dwelling. On the indicative layout plan it shows that the new property would use the existing vehicular access and that there would be no alterations to this access. There is an existing bridge over the stream that is shared by Brookside and the adjoining property Over The Stream. It is understood that this is subject to various covenants between the two parties. It is not proposed to make any alterations to this access or to the two driveways. It is proposed that a new access be made for the existing property at Brookside. This is only an indication at this stage and would be the subject of detailed consideration as part of the reserved matters. In their initial comments Highways suggested that consideration should be given to the conversion of the existing access and driveway, serving Brookside, into a shared use driveway serving Brookside and the proposed development, thus removing the need for a new access onto the public highway and works to the existing drainage ditch infrastructure. The benefits of this could be considered as part of the reserved matters but this may not be possible in legal terms if it contravenes private covenant and the adjoining neighbour does not agree. This however is a matter to be addressed with the details of the access which will be submitted with the reserved matters. With regards to the current outline application, Highways have no objection to the principle of a new dwelling being provided in this location.

5.4 Mineral Safeguarding Area

5.4.1 The Regional Technical Statement (RTS) of the South Wales Aggregates Working Party (October 2008) requires MCC to investigate and safeguard limestone for possible future use. This requirement is achieved through LDP Minerals Policy S15 which states that the council will seek to contribute to regional and local demand for a continuous supply of mineral's by safeguarding known and potential resources and maintaining a 10 year land bank of permitted aggregate resources through the plan period. To this end Minerals Safeguarding Areas have been identified on the LDP proposals map. The whole of this site is the Limestone Safeguarding Area. Policy M2 of the LDP states that development proposals which may impact on the MSA will be considered against the following requirements:

a) Proposals for permanent development uses within identified MSA will not be approved unless:

- i. "The potential of the area for mineral extraction has been investigated and it has been shown that such extraction would not be commercially viable now or in the future or that it would cause unacceptable harm to ecological or other interests; or
- ii. The mineral can be extracted satisfactorily prior to the development taking place; or
- iii. There is an overriding need for the development; or
- iv. The development comprises infill development within a built-up area or householder development or an extension to an existing building."

In this case, the proposal comprises of infill development within a built up area. This land is not considered suitable for quarrying as it is located within the centre of the village surrounded by established residential properties. The proposal therefore does not contradict the objectives of Policy M2 of the LDP.

5.5 Residential amenity

5.5.1 To the south of the site is the property known as Over the Stream, which is a dormer bungalow that faces the proposed plot. It is set at an angle so its distance from the common boundary varies from 8 metres at the east and 15 metres at the west. At present, there is a

hedge along part of this common boundary but closer to the road there is a low-level wall with railing above. Over the Stream would be facing at an oblique angle, towards the side elevation of the proposed dwelling at a distance of approximately 19 metres. This distance is considered acceptable and despite the two-storey nature of the proposed dwelling would not result in an overbearing impact. At the reserved matters stage it can be ensured that there would be no first floor windows on the side elevation of the proposed dwelling. There would be a 1.8 metre high close boarded fence along the common boundary which would also help to maintain privacy.

5.5.2 To the east of the proposed plot is no.9 Court House Road. This modern two storey dwelling has its side elevation facing into the plot. This side elevation contains a first floor bathroom window. The side elevation of no 9 is approximately 13 metres from the common boundary and approximately 23 metres from the rear elevation of the proposed dwelling. This is also an acceptable distance and will not result in an overbearing impact. Detailed design at the reserved matters stage can ensure that there is no direct overlooking or loss of privacy. To the north of the proposed dwelling is the existing property of Brookside. This has a ground floor conservatory and first floor windows facing into the site. The existing property is set at a higher level than the proposed dwelling. Due to the difference in levels, the large size of the plot and the close boarded fence along the common boundary there will not be a significant adverse impact on the occupiers of the existing dwelling.

5.5.3 To the west of the site is Well Lane and beyond this Well Cottage; this property faces towards the site, but is on the opposite side of the road and the existing mature hedge along the western boundary of the site will be retained. There would be adequate space between the proposed dwelling and Well Cottage to ensure amenity is unharmed. The proposal does comply with the objectives of Policy DES1 and EP1 of the LDP. A new dwelling in this location would respect the existing form, scale, siting and massing of neighbouring properties and would protect the spaciousness and privacy of the neighbouring residential area.

5.6 Drainage

5.6.1 Surface water will go to a soakaway and there is sufficient land available in the curtilage of the proposed plot to accommodate this. Details of the location of the soakaway will form part of the reserved matters. The effectiveness of the soakaway will be controlled by a Building Regulations submission and porosity tests will be required to ensure its operational requirements.

5.6.2 There are no mains drains in the village and that means the foul drainage for the new dwelling will need to be disposed of by either by a private treatment plant or by a sealed cesspit. As this is an outline application there is no requirement on behalf of the applicant to give details of foul drainage as this will be considered as part of the reserved matters. However, given the history of foul drainage along Well Lane and the fact that the site lies in the Source Protection Zone 1 (SPZ1), NRW and MCC Building Control have agreed to give comments at this stage. In areas not served by public foul sewers, WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities and that an Environmental Permit from NRW will be required. The applicant would be required to fully justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in the Circular 008/2018 and Building Regulations Approved Document H. NRW would prefer the use of a package treatment plant over the use of a sealed cesspit. Cesspits will only be allowed in exceptional circumstances. Although the means of foul drainage is not being considered here, experience from recent nearby development would suggest that package treatment plants may not be acceptable as the flow in the stream into which such plants would discharge is not continuous during the

summer months. It may be that foul drainage would have to discharge into a sealed cess pit, as do most other dwellings in this part of Llanvair Discoed. If this was the case the applicants would have to justify the use of a cess pit in accordance with the guidance of the Circular. This would be submitted as part of the reserved matters. The applicants would also need to apply for an Environmental Permit.

5.6.3 When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. There are, however, no mains sewers in Llanvair Discoed so alternative means for dealing with foul waste must be sought. Paragraph 2.5 of Circular 008/2018 says that only if it can be clearly demonstrated by the developer that mains sewers and package treatment plants are not feasible, taking into account cost and/or practicability, should a system incorporating septic tank(s) be considered. Applications for planning permission should be supported by a full assessment of the proposed use of septic tanks, to confirm the adverse effects by reference to the factors in paragraph 2.6 will not arise. This assessment should focus on the likely effects on the environment, amenity and public health and, in particular, it should include a thorough examination of the impact of disposal of the final effluent by soakage into the ground. It should be noted that discharge of septic tank effluent into surface waters is not permitted.

5.6.4 Paragraph 2.6 then lists the following nine factors to be taken into account.

- a) Contravention of recognised practices: Any evidence which shows the proposed arrangements are likely to prejudice, contravene or breach any statute, Regulation, Directive, Code of Practice, Byelaw, water quality objective or any other authoritative standard (such as British Standards, Groundwater protection position statements research papers/reports with proven conclusions).
- b) Adverse effect on water sources/resources: Any information produced by the British Geological Survey, Natural Resources Wales (including its predecessor bodies) or any other authoritative sources, which shows the area has geological formations which could allow the transmission by percolation or by surface run-off of sewage effluent from the proposed foul drainage system, directly or indirectly, so as to adversely affect any existing or potential surface or groundwater sources.
- c) Health hazard or nuisance: Any evidence which indicates the proposed arrangements and the associated effluent disposal system is likely to lead to a risk to public health or cause a nuisance.
- d) Damage to controlled waters: Any evidence, including reference to information on site hydrology and geology and to the Environmental Permitting Regulations, which indicates the proposed arrangements may result in the entry of any poisonous, noxious or polluting matter or any solid waste matter into any controlled waters, including ground waters.
- e) Damage to the environment and amenity: Any evidence the proposed arrangements are likely to lead to raw or partially treated sewage entering into receiving waters or onto land, to such an extent as to damage or undermine the environment and amenity value of the locality or any other area, particularly if it is of special significance such as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) or public open space.
- f) Overloading the existing capacity of the area: Any authoritative assessment or available records, which indicate
 - i) the addition of new discharges from a proposed development to those which already exist in the area, or
 - ii) the quality or quantity of new discharges by themselves are likely to overload the local subsoil soakage capacity or receiving water to the extent it may lead to the problems of ponding, sewage flooding, pollution or nuisance.
- g) Absence of suitable outlets: Any evidence to show there is no suitable facility such as satisfactory water courses (for a package treatment plant) or adequate land for soakage in

the locality to accommodate the disposal of effluent from the proposed treatment plant(s) or septic tank(s) serving the new development.

h) Unsuitable soakage characteristics: Any results derived from percolation tests which have been carried out in accordance with BS 6297 or a subsequent superseding standard, (preferably carried out in winter conditions when the soils are saturated), which show the local soil conditions would preclude effective disposal of any sewage effluent from the proposed sewage treatment plant(s) or septic tank(s) serving the new development.

i) High water table: Any evidence drawn from records of 'rest water levels' observed in trial holes which show the water table in the locality is so high, at any time of the year it could inhibit or impede or adversely affect the proposed foul drainage/effluent disposal arrangements.

j) Rising ground water levels: Any evidence, such as water table records of the locality, which show the levels have been rising consistently and are likely to interfere with the proposed foul drainage/effluent disposal system, or may cause damage to other land or property in the area e.g. by its contribution to landsliding or subsidence.

k) Flooding: Any evidence, such as records of frequencies and levels of previous flood incidents, which show the locality is subject to flooding to the extent the proposed private sewerage would lead or contribute to environmental or amenity problems.

l) Maintenance plan: Environmental Permitting Regulations permits and exemptions require records of maintenance and de-sludging of the treatment system to be kept for 5 years. Keeping a service log, contractor invoices or entering into a service agreement with a servicing contractor should meet this requirement.

5.6.5 The Council is not aware of any statutes, regulation, Directive, code of Practice or Byelaws stating that septic tanks should not be installed in this area. In fact, most of the existing properties in this area have used sealed cesspits to deal with foul drainage. NRW have not objected to the proposal and they are aware of the applicant's intention to use a sealed cesspit. With regard to the effect on water sources/resources, the plot is located within a Source Protection Zone 1. Source Protection Zones are designated by NRW to identify those areas close to drinking water sources where the risk associated with contamination is greatest. NRW reminds us that inside SPZ1 all sewage effluent discharges to ground must have an environmental permit and that all permit applications will be considered on the basis of risk assessment and appropriateness. NRW does not encourage the use of cesspools or cesspits, other than in exceptional circumstances because poorly managed cesspools and cesspits present considerable risk of causing pollution, which can be difficult to monitor and correct. Although not encouraged, the guidance from NRW does not say that cesspits will not be allowed and in this case NRW offers no objection to the proposal - rather they request that the applicant fully justifies the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in the Circular and Building Regulations Approved Document H. As this is an outline application with drainage being considered as a reserved matter, the applicant can submit the drainage details and justifications as part of the reserved matters where they will be fully evaluated.

5.6.6 There is no substantive evidence which indicates the use of a cesspit and the associated effluent disposal system is likely to lead to a risk to public health or cause a nuisance in this location. It is the responsibility of the occupier of the new dwelling that the cesspit is correctly maintained and emptied as it is for the occupiers of the surrounding properties who also have cesspits. There should be no damage to controlled waters as the cesspit will be sealed, water tight with no discharge. There is no evidence to suggest that the proposed arrangements may result in the entry of any poisonous, noxious or polluting matter, solid waste matter, raw or partially treated sewerage into any controlled waters or land as the cesspit will be sealed and result in no discharge. The cesspit will be emptied by truck and the process will comply with the relevant legislation. The proposal will not impact upon the environment and there are no special designations nearby such as public open spaces, Site of Special Scientific Interest (SSSI) or Special Area of Conservation (SAC).

There will no new discharges that could overload the existing capacity of the area or result in flooding or ponding.

5.6.7 There are no other suitable facilities that could be used. In this instance, a package treatment plant cannot be used, as there is no suitable watercourse into which it could discharge. There is no need to consider percolation tests for the foul drainage, as there would be no discharge from the sealed unit. Percolation tests will be required for the surface water discharge that will be via soakaway but there is sufficient land available within the site to accommodate the scale of soakaway needed. There is no evidence of unusually high water table or rising water levels in this area. The site is not in a C1 or C2 Flood zone and NRW has said that they are not aware of any local flooding issues on the site. A Maintenance Plan will be required as part of any Environmental Permit from NRW. Regulations permits and exemptions require records of maintenance and de-sludging of the treatment system to be kept for 5 years. Keeping a service log, contractor invoices or entering into a service agreement with a servicing contractor should meet this requirement. It will be the responsibility of the occupiers of the property to obtain an Environmental Permit and also maintain the cesspit in a satisfactory condition.

5.6.8 It has been suggested by local residents that the plot is not of sufficient size to accommodate a sealed cesspit. According to Part H of Building Regulations, a 4 bed house would require a cesspit large enough to provide for 8 people, that would mean it needs to be 59 cubic metres (18m³ for two persons and then 6.8m³ extra per person). The cesspit has to be sited at least 7metres from any habitable parts of the building and preferably downslope from it. It should preferably be lower than any other existing building in the immediate area. It should be within 30 metres of a vehicle access point for it to be emptied and be able to be emptied without any hazards i.e. going through the house. There are also stipulations on its construction, namely a ventilated, waterproof inspection chamber just before it on the inlet. It can be built in situ, either brickwork or concrete or can be a factory made unit and brought to the site. There is nothing in the Building Regulations Part H about distance from a watercourse. The actual regulation states that it must not contaminate any water course, but it also states the cess pit must be watertight. As long as it is constructed correctly and well maintained then it should not leak or contaminate the watercourse. It would be the home owner's responsibility to ensure that the cess pit was properly maintained. Although no details of foul water disposal are being considered at this outline stage, it can be seen that a sealed cess pit could be accommodated in physical terms on the site. NRW to do not object to the application as submitted

5.7 Flooding

5.7.1 The site is not in a C1 or C2 Flood Zone as identified in the DAM maps. Local residents have indicated that the site is prone to flooding so NRW has been consulted. They responded offering no objection. They noted that the site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004) and therefore is outside of any defined flood zone. In addition, they are not aware of any localised flooding in this area. There is no justification for refusing this application on grounds of flooding.

5.8 Ecology and Trees

5.8.1 The applicant has undertaken a survey of trees on the site. These include a mature copper beech, sycamore, maple and magnolia. Some of the smaller trees on the site will need to be felled to accommodate a house on the site. Several of the older trees are in a poor condition and reaching the end of their life. MCC's Tree Officer has requested a full tree survey in accordance with BS5837:2012 – Trees in relation to Design, Demolition and

Construction Recommendations. This can be secured by condition to be submitted as part of the reserved matters submission.

5.9 Affordable Housing

5.9.1 It is a basic principle of LDP Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £27,685. This will be secured through a 106 Legal agreement and the applicants have agreed to this.

5.10 Impact on the adjoining stream

5.10.1 There is a small stream running down between the plot and Well Lane. This is outside of the site boundary. The footprint of the proposed dwelling will be approximately 15 metres from site boundary with the stream. It is possible that the cesspit will be located closer to the stream but its position will be determined with as part of the drainage details for the reserved matters and will be subject to Building Regulations. There may also be the need for a new culvert for a new access into Brookside but again this will form part of the reserved matters. There is no evidence that the proposed development will have any adverse impact on the stream.

5.11 Archaeology

5.11.1 Glamorgan Gwent Archaeological Trust (GGAT) looked at this application due to its proximity to several Scheduled Ancient Monuments but considered because of its position the proposals would not encounter any buried archaeological remains and therefore they had no objection to the proposal and did not require any archaeological conditions to be imposed

5.12 Response to the Representations of the Community/ Town Council and other issues raised

5.12.1 Caerwent Community Council are concerned that this proposal would result in over development of the site. The site is of adequate size to accommodate an additional dwelling with the associated parking and amenity provision. The dwelling would be at least 10 metres from the common boundaries. The proposal does not result in over development of the plot. Well Lane is a no through road that serves approximately 20 dwellings. While it is narrow and has no footway, the impact of one additional dwelling will not have a significant impact on the capacity of the lane and will not in itself compromise the safety of pedestrians. Many of the existing properties on Well Lane have sealed cesspits that need emptying as there are no mains drains in the village. One additional cesspit will not result in a significant increase in pollution from the lorries emptying it. The lorries will not have to block Well Lane during emptying because they will have access via the existing access. Turning provision can be made within the site for vehicles. Disturbance to existing residents during construction would be temporary and would not be grounds to refuse permission for this proposed development, but a condition could be imposed requesting a construction management plan including hours of operation for construction. If neighbours were to submit similar applications then they would be determined on their merits and that is no reason for refusing this current application. The principle of infill development in this village is acceptable on policy grounds so other applications for new dwellings within the village may also receive planning permission subject to detailed planning considerations. The restrictive covenants are not a material planning consideration but rather a private legal matter. The site notice was clearly displayed at the entrance to the site. A bat survey was not requested at this stage as there

is no demolition of existing structures but if there is potential for bat roosts in any trees to be felled this would come to light in the tree survey and appropriate conditions could be applied at that stage.

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

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

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

- A financial contribution of £27,685 towards Affordable Housing in the local area.
- 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/Reasons

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

2. (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

3. Prior to work commencing on site a construction management plan shall be submitted to and agreed in writing with the Local Planning Authority. All of the works shall be carried out in accordance with the approved construction management plan

REASON: In the interests of residential amenity.

4. A tree survey shall be submitted as part of the reserved matters this should be in accordance with BS5837:2012 – Trees in relation to Design, Demolition and Construction Recommendations.

The report will include the following information:

- A scaled plan of the layout showing retained trees and their root protection areas.
- Arboricultural Method Statement.
- Arboricultural Impact Assessment.

Reason To inform the footprint of the proposed dwelling and to ensure that the most valuable trees on the site are protected

5. 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 Well Lane 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.

NOTE – it is recommended that the size and weight of all delivery vehicles shall be considered so as to minimise damage, congestion and disruption to Well Lane and the adjoining highway network.

Reason In the interests of highway safety

6. Prior to any building construction works including groundworks, site clearance, the means of access, as approved, shall be constructed in accordance with the approved plans and turning provision shall be provided to enable all delivery, construction and contractors vehicles turn within the curtilage of the site as well as providing for suitable levels of on-site parking.

Reason In the interests of highway safety.

Informatives:

1. A turning facility and on-site parking provision in accordance with supplementary planning guidance, Monmouthshire Parking Standards 2012, shall be provided within the site, details of which should be submitted as part of the reserved matters submission, and retained thereafter.

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Application Number: DM/2018/01801

Proposal: Erection of one dwelling.

Address: 12 Elm Avenue, Undy, NP26 3EX

Applicant: Mr. R Thomas

Plans: Schedule of Finishing Materials, Elevations - Proposed 2273/3, All Proposed Plans 2273/2, All Existing Plans 2273/1

RECOMMENDATION: APPROVE

Case Officer: Ms. Kate Young
Date Valid: 30.10.2018

1.0 APPLICATION DETAILS

1.1 This is a full application for the erection of a two-storey detached dwelling in the rear garden of 12 The Elms. The proposal seeks the demolition of the existing garage and the provision of six new parking spaces from Elm Avenue as well as a double attached garage for the new property. A one metre high close-boarded fence would be erected between the existing and proposed dwelling. The site area measures 391 square metres. The footprint of the new dwelling (minus the garage) would be 9 metres by 9 metres and 8 metres in height to the ridge.

1.1 The site is located within the Magor and Undy Development Boundary.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/1981/00416	Erect a garage	Approved	06.05.1981

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor and Undy Community Council: response not yet received.

MCC Highways have no objection in principle to the development proposal; however, the Applicant should note the following:

Application drawings submitted for consideration should clearly define the extent of drop kerbs required for the proposed access arrangement off Elm Avenue. The Applicant should note that any such drop kerbs required are to be to MCC standards;

Application drawings submitted for consideration should clearly define the extent of the footway crossover strengthening works required for the proposed access arrangement off Elm Avenue. The Applicant should note that any such footway crossover strengthening works required are to be to MCC standards;

The proposed parking bays depicted on Drg. No. 2273/2 are too narrow. MCC Parking Guidelines standards require parking spaces to be 4.8m x 2.6m [N.B. This has since been addressed in an amended plan].

Welsh Water - No Objection.

Having reviewed the submission, we note that the applicant is proposing to discharge surface water to soakaway and SuDS. We are satisfied with this proposal as the sewers surrounding the site are for foul water only. DC-WW outlines conditions it wishes to be imposed if consent is granted.

MCC Ecology:

I have reviewed the photographs, part A and surrounding landscape via aerials and the SEWBReC data, subject to this I can confirm that we do not require any further bat assessment of the garage. I take it the tree identified in the existing plans has been removed, (stump in photo?). If not, some photographs to illustrate if there is any bat roosting potential would be required prior to felling.

In terms of other ecological impacts, the photographs show that there may be potential for common reptile species and nesting birds, given the garden status and stored materials present. I would recommend the following informative notes.

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

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

4.2 Neighbour Notification

Objection letters received from five addresses

Loss of privacy to living room and garden

Over-development of site

Exacerbate problems with low water

pressure in the mains Poor drainage in the area

Removal of metal bollard at the end of Elm Avenue will increase traffic on Tump Lane

Concerned over family's safety as vehicles could travel at 30mph through our fence

The proposed dwelling will occupy an elevated position

Loss of views of the apple tree

Loss of privacy to home and garden

Visually dominant

General over development of this area

Takes away the open appearance of neighbouring property

Problems in the area with sewerage and drainage

Strain on resources, services and roads

Will block out the sky

Would be better as a single storey dormer bungalow

Out of keeping with the character of the area; too large

The barrier at the end of Elm Avenue was previously knocked down by construction traffic. Need confirmation that Elm Avenue will remain as a cu-de-ac, as through-traffic would be dangerous

It will dominate the host property

The proposed dwelling will be in an elevated position, the front door and windows will overlook the neighbour's property

Block light to neighbouring property Dumpsie Dingle.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located within the Magor with Undy Village Development Boundary within which both LDP policies S1 and H1 presume in favour of new residential development subject to detailed planning considerations. Magor with Undy is considered as one of the Severnside settlements for the purposes of policy S1. The plot is of adequate size to accommodate a new residential dwelling with associated parking provision and amenity space. The principle of new residential development in this location is therefore acceptable. The proposed dwelling would be seen more in the context of Tump Lane than that of Elm Avenue. Elm Avenue is characterised by large, semi-detached ex-council houses but the proposed new dwelling will not impact on the character of the street scene of Elm Avenue. The properties along this part of Tump Lane are made up of various styles, some having been constructed relatively recently.

5.2 Affordable Housing

5.2.1 Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a four-bedroom dwelling of the size indicated would be £13,230 that would be secured through a section 106 Legal Agreement.

5.3 Highway Safety

5.3.1 The site would have vehicular access from Elm Avenue. At present, the existing property has vehicular access into a single garage off Elm Avenue. This would be removed and parking provision for both the existing and proposed dwellings would be provided between the dwellings adjacent to the highway. There is no indication of intention that the metal barrier between Tump Lane and Elm Avenue will be altered or removed as part of this proposal. The proposal will result

in one additional dwelling being provided. Elm Avenue, a wide cul-de-sac, has sufficient capacity to accommodate the traffic resulting from one additional dwelling.

5.3.2 The adopted Monmouthshire Parking Guidelines recommend one off-street parking space per bedroom up to a maximum of three. The site plan submitted as part of the application indicates that three off road parking spaces will be provided for the existing dwelling which is an improvement over the existing situation and that three parking spaces plus a double garage would be provided for the new dwelling. This would be in accordance with the guidelines. The proposal would actually improve the parking provision in the area. Access and parking provision for construction traffic during the construction phase is a temporary consideration. A condition could be imposed requiring that the access is provided before work on the dwelling commences and also a construction traffic management plan will be required that would be able to control the time and positioning of deliveries.

5.4 Design

5.4.1 It is proposed to erect a four-bedroom detached dwelling, facing onto Elm Avenue, with a porch to the front and a detached garage to the side. The dwelling would be finished in red-brown brickwork with artificial slates on the roof and there would be cills and headers to all windows on the front and rear elevations. The new dwelling would be set at the front of the plot very close to the road. This is acceptable as the proposed dwelling would be at the end of a no-through road and thus, there will not be disturbance from passing traffic. The private rear garden of the new dwelling would be a maximum of 12 metres in length and 15 metres in width. The existing dwelling would retain a private rear garden with an average depth of 10 metres. The land slopes upwards in a northerly direction so that the new dwelling would have a higher floor level than the existing dwelling but given the distance between the two this is acceptable. The new dwelling will not be over dominant as the existing dwellings to the north-west are also set at a higher level. There is no discernible, clearly-defined streetscene in this part of Elm Avenue into which the proposed new property should assimilate. Therefore the design is acceptable and complies with the objectives of Policy DES1 of the LDP. The new dwelling will be seen more in the context of the properties along Tump Lane and these comprise a mix of house types with no collective character.

5.5 Drainage

5.5.1 It is proposed that surface water will be disposed of by means of a sustainable drainage system. There is sufficient land available within the site to accommodate soakaways. Foul sewerage will go to the mains sewer. Welsh Water are satisfied with this arrangement and offer no objection.

5.6 Water Pressure

5.6.1 Welsh Water have commented on the application with regards to foul and surface water. They have not indicated that there is an issue with the water supply in the area.

5.7 Residential Amenity

5.7.1 This is a residential area and the plot is surrounded on all sides by residential properties. Immediately to the south of the site is the host property, 12 Elm Avenue, its rear elevation faces into the plot. The rear elevation of the host property faces towards the side elevation of the proposed single story garage. The orientation of the proposed dwelling and the shape of the plot mean that the rear of the existing dwelling does not look directly towards the proposed dwelling. There would be one small ground floor window, serving a habitable room on the southern elevation and this would be looking towards the parking area and not towards the host property itself. Both properties would have sufficient private amenity space in the form of rear gardens.

5.7.2 To the south west of the plot is the rear garden of no.11 Elm Avenue. This garden is set at a lower level than the proposed dwelling. There is a mature hedge along the common boundary. The proposed dwelling is at least 12 metres from the common boundary. It will be set at an oblique angle and will only overlook the very end of the neighbouring garden. To the northern side of the plot is Tump Lane and beyond that is a bungalow that forms part of a plot that is currently subject to an outline application for two new dwellings (granted planning permission subject to a S106 agreement at Committee held in December 2018). One of those proposed dwellings would look straight towards this plot. There would be no first floor windows on the northern (side) elevation on the dwelling that is the subject of this current application and in addition there is Tump Lane

between the two dwellings in question. Therefore, there would be no adverse overlooking of the new dwellings in the grounds of either 12 Elm Avenue or the Slades.

5.7.3 To the east of the proposed plot is the end of Elm Avenue which has a metal barrier across it (allowing only pedestrian access). Beyond the road is a two storey brick-built dwelling, Carreg Goch. This property has one ground floor window facing into the plot. Between this window and the road is a 1.8 metre high close-boarded fence. There are no other windows on the side elevation facing towards the plot. The proposed dwelling will be set at a higher floor level than Carreg Goch and have its principal windows facing towards Carreg Goch. There is approximately 15 metres between the proposed dwelling and the existing property at Carreg Goch. Given this distance, the intervening road and the fact that the principal elevation of Carreg Goch faces towards Tump Lane there will be no unacceptable loss of outlook or loss of privacy. The first floor window on the side elevation of Carreg Goch is partly obscured by the existing close-boarded fence.

5.7.4 The proposed new dwellings would not have an adverse impact on the residential amenity of the occupiers of the neighbouring properties, and there would be no overbearing impact and no unacceptable loss of privacy as a result of this proposal. Therefore, the application accords with the objectives of policies DES1 and EP1 of the LDP.

5.8 Ecology

5.8.1 It is proposed that the mature hedge along the northern and western boundary of the plot be retained. Part of the hedgerow along the eastern boundary of the plot would be lost to accommodate the car parking. The existing garage on the site is to be demolished. MCC's ecologist does not consider that there is much potential for this garage to be used as a bat roost and no further survey work is required. There was an apple tree in the garden but this has recently been felled. The apple tree was not the subject of a Tree Preservation Order. The garden has been cultivated over many years, although there may be potential for common reptile species and nesting birds, given the garden status and stored materials present. An informative can be placed on the decision notice reminding the applicants of the requirements of the Wildlife and Countryside Act.

5.9 Response to other representations

5.9.1 Local residents are concerned that the proposal represents an over development of the plot. The application relates to a large plot. This area of Undy is characterised by similar sized dwellings on similar sized plots. The proposal will be in keeping with the prevailing character of the area. There has been some recent residential development along Tump Lane but each application has been determined on its own merits. The plot size is adequate to provide for a new dwelling. This proposal does not involve the removal of the metal bollard at the end of Elm Avenue. The bollard is outside the application site and the application makes no reference to the bollard. It has been suggested that a dormer bungalow may be more appropriate in this location, but there is no precedent for this and the area is characterised by two-storey dwellings. One additional dwelling will not in itself, put a strain on resources so as to warrant refusal of this application.

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

5.10.1 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.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:
- a financial contribution for affordable housing.

S106 Heads of Terms

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 work commencing on site a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. All of the works shall be carried out in accordance with the approved construction management plan.

REASON: In the interests of residential amenity.

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

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

INFORMATIVES

1 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September

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

New Appeals 24.10.2018 to 18.12.2018

Local Ref	Appeal Site Address	Reason for Appeal	Appeal Type	Date Lodged
E18/019	Ravensnest Fishery Ravensnest Wood Road Tintern NP16 6TP	Appeal against Enforcement Notice	Written Representations	31.10.2018
DC/2018/00096	Proposed New Dwelling Adjacent To 6 Caestory Avenue Raglan	Against a refusal	Written Representations	05.11.2018
E18/194	Ty Mymwent 2 Denbury Mews Usk NP15 1FB	Appeal against Enforcement Notice	Written Representations	15.11.2018
DM/2018/01228	Ty Mymwent 2 Denbury Mews Usk NP15 1FB	Against a refusal	Written Representations	15.11.2018
DC/2018/00205	Land Adjacent Ty Coedwr B4521, Pont Gilbert To Hill House Llanvetherine	Against a refusal	Hearing	29.11.2018

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