

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 25 January 2021

Notice of meeting:

## Planning Committee

Tuesday, 2nd February, 2021 at 2.00 pm  
Remote Microsoft Teams Meeting

### 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 DM/2019/02079 - Construction of two detached dwellings and external works (relocation plot 12). Land adjacent to former Ifton Manor Farm, Chestnut Drive, Rogiet.	15 - 28
4.2.	Application DM/2019/00800 - Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway. Homestead, Wainfield Lane, Gwehelog, Usk.	29 - 42
4.3.	Application DM/2020/01438 - Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure. Land off Ty Gwyn Road, Little Mill, NP4 0HU.	43 - 62
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Appeal Decision - 30 Maple Avenue, Bulwark, Chepstow.	63 - 66

Paul Matthews  
Chief Executive

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards  
P. Clarke  
J. Becker  
L. Brown  
A. Davies  
D. Dovey  
A. Easson  
D. Evans  
M. Feakins  
R. Harris  
J. Higginson  
G. Howard  
P. Murphy  
M. Powell  
A. Webb  
S. Woodhouse

### Public Information

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

#### Access to paper copies of agendas and reports

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

#### Watch this meeting online

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

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

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

#### Welsh Language

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

# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

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

## Our Values

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

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

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

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

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

#### National Planning Policy

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

- 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 by a favourable conservation status in their natural range.

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

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

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

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

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

## Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its



area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

### Equality Act 2010

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

### Children and Families (Wales) Measure

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

### Climate Emergency

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

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

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

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

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

### Who Can Speak

#### Community and Town Councils

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

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

Not to introduce information that is not:

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

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

#### Members of the Public

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

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

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

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

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

## Applicants

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

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

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

### Content of the Speeches

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

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

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

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

## Procedure at the Planning Committee Meeting

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

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration.
  - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
  - Speakers may speak only once.
  - Committee Members may then raise technical questions with officers.
  -
- Planning Committee members will then debate the application, commencing with the local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who

proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.

- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
- 
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.



# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 5th January, 2021 at 2.00 pm

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

County Councillors: J.Becker, L.Brown, A.Davies, A. Easson, M.Feakins, R. Harris, J. Higginson, P. Murphy, M. Powell, A. Webb and S. Woodhouse

#### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Helen Hinton	Senior Development Management Officer
Denzil – John Turbevill	Commercial Solicitor
Ian Bakewell	Housing & Regeneration Manager
Richard Williams	Democratic Services Officer

#### **APOLOGIES:**

County Councillors: D. Dovey, D. Evans and G. Howard

#### **1. Declarations of Interest**

County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2019/02076 as he knows the next door neighbour having served together on Caerwent Community Council. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A. Easson declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2019/02076 as he is a friend of one of the objectors. He left the meeting taking no part in the discussion or voting thereon.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 1<sup>st</sup> December 2020 were confirmed and signed by the Chair subject to the following amendment:

Application DM/2020/01328 – bullet points 12 and 13 made reference to a '50 metre space' This should be amended to read '15 metre space'.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 5th January, 2021 at 2.00 pm

#### **3. Application DM/2018/00834 - Proposed 100% affordable residential development (12 no. dwellings) with associated public open space, landscaping and highway infrastructure and other ancillary works and activities. Land West Of Glebe Cottage, Llantilio Pertholey, Monmouthshire**

Before considering application DM/2018/00834, the Head of Planning informed the Planning Committee that notification from Welsh Government had been received indicating that a request had been made for the application to be called in by Welsh Government regarding its determination. Welsh Government is currently investigating whether a call in is required or not. Welsh Government considers that Monmouthshire County Council's Planning Committee should consider the application on its merits with a view to determining the application. Following Planning Committee's decision, Welsh Government will come to a decision on whether it should call in the application or not.

We considered the report of the application and late correspondence which was recommended for approval subject to the 17 conditions outlined in the report and subject to a Section 106 Agreement.

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

- There is a need for affordable housing provision in the Abergavenny area.
- Approval of the application will provide 100% affordable housing within the area.
- The consultees are in favour of approval of the application.
- The application complies with Planning Policy Wales (PPW).
- A request was made whether the style and design of the proposed dwellings could be improved to comply with its rural location. Conditions could be added to address the use of materials on the development.
- A request was made for porches and storage space to be added to the dwellings. The use of materials, addition of porches and storage space could be addressed with the applicant via the Delegation Panel.
- Affordable housing properties are required to be built to a very high standard.
- Solar panels will be located on the south facing roof slopes of the properties within the site.
- The materials used will be of a high quality.
- The design is simple and functional and appropriate to the context.
- The site will provide sufficient parking provision allowing safe turning provision within the site.



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It was proposed by County Councillor R. Harris and seconded by County Councillor M. Feakins that application DM/2018/00834 be approved subject to the 17 conditions outlined in the report and subject to a Section 106 Agreement. It was also proposed by County Councillor R. Edwards and seconded by County Councillor M. Feakins that conditions be added to be considered via the Delegation Panel that external finishes be agreed and that porches be added to the dwellings with storage space large enough to accommodate a bicycle or wheelchair.

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

In favour of the proposals	-	12
Against the proposals	-	0
Against the proposals	-	0

The propositions were carried.

We resolved that that application DM/2018/00834 be approved subject to the 17 conditions outlined in the report and subject to a Section 106 Agreement and that conditions be added to be considered via the Delegation Panel that external finishes be agreed and that porches be added to the dwellings with storage space large enough to accommodate a bicycle or wheelchair.

#### **4. Application DM/2019/01842 - Variation of condition 1 of DC/2012/00459 to extend the commencement deadline by 12 months. Green Dragon Inn, St Thomas's Square, Monmouth, NP25 5ES**

We considered the report of the application which was recommended for approval subject to the 13 conditions outlined in the report.

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

- Safeguards are in place with an evacuation plan.
- The site is located within C2 with upper floor development proposed.
- It is conditioned that a full flood evacuation plan will be submitted.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2019/01842 be approved subject to the 13 conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

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We resolved that application DM/2019/01842 be approved subject to the 13 conditions outlined in the report.

#### **5. Application DM/2019/02076 - Discharge of condition no. 5 of planning consent DM/2019/00595 (management plan). 62 Chepstow Road, Caldicot, NP26 4HZ**

We considered the report of the application which was recommended for approval.

The Development Services Manager read out a statement by objectors to the application from Mr. Lund and Mr. Parrish, as follows:

*'Once again you have placed your own wording amendment to this proposed Management Plan. The Monmouthshire County Council Planning Committee proposed and seconded that the terminology "no single people" will be placed in this building. At a later date at a meeting held in Caldicot Town Council meeting room alongside Monmouthshire Housing Association Officials, MHA stated to Craig O'Connor that they as the applicants "had no objections to the Planning Committee's proposal and statement of wording of "No Single People" to be placed in this property. Craig O'Connor stated "that he would get this amendment placed within 28 days but likely to be within the week" (Quoted and document by Craig at this meeting) and has yet again failed to do so and renegaded on his.*

*The management plan should state "as proposed" "No Single People will be placed within this dwelling it will be used for families only with a maximum of six people".*

*MHA - the applicant, of this property stated at the 20th August 2020 meeting that they have no objections to these conditions or statements and Karen Tarbox their legal representative stated that the wording "No Single People" should be included in the Management Plan and there would be a clear breach of the law if any single people are placed there. Still Not Actioned.*

*Kate Young and Craig O'Connor decided as stated in an email that they did not like this and you would change it going against Planning approval committee documented agreement.*

*What right and authority do you have to alter what the Planning Committee and the applicant have both approved?*

*It certainly brings into question the total honesty and integrity of the MCC Planning department and its obvious dishonest and unprofessional members within this area.*

*With the current amount and proposed increases in house building within the Caldicot area it beggars belief that more suitable properties cannot be found where families each have their own front door and garden area rather than shared accommodation which is fully illustrated by the current pandemic does not work both for health, safety and social reasons.*

*As this property has a blind corner alongside the steepness of this driveway is still non compliant and presents a hazard to pedestrians, cyclists and other road users, you as a council have a "Duty of Care" to all those involved in this decision and are accountable*

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*for this. There is a danger and you have repeatedly recognised this danger and now this is to become an Active Travel Route of Monmouthshire with no alterations undertaken for the safety of the whole community. As you have recognised this hazard and yet not acted upon it should any incident occur, you are now personally liable for ignoring your duty of care within the community. As this property is owned by MHA and intended for use by MCC, the legal representative stated "if it did not confirm it would not be offered to MCC to lease as they have a Duty of Care to their employees and MCC staff, public services and any future tenants - "occupiers liability and occupants liability – responsibilities as owners if not safe then we can't use – will take this away and look next Wednesday on return from Annual Leave and will respond. - Still waiting an update.*

*The unsafe incline of the driveway itself 'self inspection will illustrate the problem that exists'. MHA stated at the 20th August 2020 meeting they would investigate this problem and inform residents of their finding prior to the next meeting. Still not actioned.*

*Continual monitoring of this property suggest that MCC have an intention to use this as a regular place of work, often known as a hub which indicates as well as a domestic property commercial uses and regulations come into play which again effects the total community of the surrounding area and was not declared in the original planning application.*

*Whereas we as residents do not object to the property being used for a single family, this current Management Plan is flawed and continues to be presented in a deceitful manner.*

The Head of Planning responded as follows:

- Planning consent has been granted for this property to be used as a house of multiple occupancy (HMO) for C4 use for a maximum of six people and for families only.
- The discharge condition application has been brought to Planning Committee to determine how the HMO will function and be managed.
- The Committee is asked to consider whether the management plan is acceptable or not.
- Local residents have continued to express concern that the condition on the planning permission is not what the Planning Committee requested.
- This dispute relates specifically to no single people. The complaint has been thoroughly investigated and has been upheld.
- The building should be occupied by families only. Single parent families would be allowed. However, single adults would not be allowed to reside here.

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- Local residents had requested the inclusion of the term ‘families but no single people’. However, this would make the condition ambiguous.
- The new proposed wording to meet the local residents’ concerns is that no more than six people shall occupy the building at any time and it shall be occupied by families only including lone parent families and no lone adults.
- Local residents have been consulted on the management plan.
- The non-material planning application only became valid in December 2020. The non-material amendment is now out for consultation.
- The dwelling would not become a hub. It would be used as a minor agile working space for the housing officer to use for short periods only.

The local Member for Severn, also a Planning Committee Member, expressed highways concerns, in particular the blind corner. The volume of traffic will increase along the very narrow drive to and from the HMO.

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

- In response to questions raised, the Head of Planning stated that the application referred to the discharge of a condition to approve the management plan. In terms of reference made to the wording ‘in perpetuity’ this would not be required as only families would be allowed to reside at the property.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that application DM/2019/02076 be approved.

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

For approval	-	10
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/02076 be approved.

**6. Application DM/2020/00855 - Proposed outbuilding for ancillary and incidental use to the main dwelling, and regularisation of mixed use combining private dwelling (C3) with charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2). The Cwm Cribau Road, Llanfair Discoed**

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

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The local Member for Caerwent, also a Planning Committee Member, outlined the following points:

- The application is not popular locally.
- Due to the site constraints there is no alternative position within the curtilage that could be utilised.
- There will be a management plan tied to the property which is essential.
- If approved, the local Member would like the timber cladding to be larch so that it will change to a silver colour over time.
- There are flooding concerns in the valley but this will be subject to a SuDs application. There is also an attenuation pond within the site.
- The application fits the criteria and lends itself to the activities at The Cwm.

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

- The proposed outbuilding would measure approximately 22m long, 8m deep with a maximum height of 6.7m falling to 3.8m at eaves level.
- With regard to the disposal of waste water, the scheme will be subject to SuDs consent in which the SuDs Team will review its suitability.
- In terms of foul water disposal, a new facility is being proposed. Its suitability will be assessed by Natural Resources Wales (NRW).

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Easson that application DM/2020/00855 be approved subject to the eight conditions outlined in the report and subject to an additional condition outlined in late correspondence.

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

For approval	-	10
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/00855 be approved subject to the eight conditions outlined in the report and subject to an additional condition outlined in late correspondence.

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#### **7. Application DM/2020/01157 - Demolition of existing dwelling and construction of replacement dwelling. Red Barn Farm, Crick Road, Shirenewton, NP16 6LS**

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

Councillor I. Martin, representing Shirenewton Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

*"Shirenewton Community Council's recommendation to the Planning Committee is for refusal on the following grounds:*

*There is an existing 2017 consent for a smaller cottage than is now proposed. We had objected to the 2017 application as an unwarranted intrusion on the open countryside but as consent was granted we take the pragmatic view that its appearance better reflects the local architecture and landscape compared to the current application. A much larger building was applied for last year and refused by Monmouthshire County Council.*

*The current application seeks consent for a larger dwelling over 50% more than the existing consent and the design has been significantly revised with hipped roof ends and a Juliet balcony. Roof hips are not a traditional Monmouthshire building feature and Juliet balconies are most certainly not, and both features are out of keeping.*

*We are not persuaded by the argument that the applicant could put a larger caravan on the site without the need for further consent. The certificate of lawfulness was in the opinion of the Planning Officer at the time of the 2017 application merely an authorisation that caravan could remain on site but once its use as a residence had ended (and it has been unoccupied for some years) it should be removed and the land restored to its original agricultural state.*

*No garaging or other outbuildings are included in the floor area and volume calculations and further development in these regards can be expected. At the least a condition should be imposed removing the application of the general development order.*

*We wish to encourage this community's young families to remain close to their roots. Larger houses in this area are too expensive for them. For this reason we prefer the 2017 design. We note that as this application represents a replacement dwelling no infrastructure contribution is required and the community will not therefore have additional funds to provide resources for our inhabitants. If this application is approved we would wish to see a condition requiring local connection occupation only.*

*The site is partly screened from the road by trees which we consider important in alleviating the overall impact of the building and these should be retained in any event by a planning condition. We would further request that the comments of the landscape and biodiversity officers be included in the conditions were consent to be given."*

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Mr. D. Glasson, applicant's agent, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

*"This application is simply a revision to the replacement dwelling approved in 2018. It is not a rural enterprise dwelling and is compliant with Policy H5 which permits replacement dwellings in the countryside.*

*Negotiations with officers have addressed initial scale and design concerns such that the dwelling is now policy compliant and a comprehensive range of landscaping measures and biodiversity benefits have also been incorporated.*

*The applicant is grateful for the cooperation of officers during the course of negotiations and looks forward to the support of the Committee."*

The local Member for Shirenewton, also a Planning Committee Member, outlined the following points:

- There has been some confusion regarding the way the report has been presented. In 1997 the mobile home was there and on appeal was allowed temporary consent for three years. It was supposed to be removed in 2000.
- From 2001 to 2016 there was evidence of occupation and it received a certificate of lawful occupation.
- In 2017, the residence which only applied to the mobile chalet and not the garden as stated in the report, there was a replacement dwelling there. That replacement dwelling was smaller than the application being presented to the Planning Committee today.
- The applicant applied for an even larger dwelling of 640 cubic metres. This was not refused but was withdrawn via negotiation as being too large and not complying with Policy H5.
- This new application is larger than the original application of 2017, which has not been built and implemented. Therefore, the local Member considers that it is not a modification of what is already there and been approved, as stated by the agent as it is a separate application for the demolition of the mobile home to be replaced by a new larger dwelling. The local Member considers that this does not comply with Policy H5.
- Policy H5 indicates that the replacement dwelling shall be of similar size to the replaced. The application is not of a similar size to the mobile home.
- Policy H5 also indicates that planning permission may be granted for larger replacement dwellings of high quality sustainable design in the open countryside where it can be demonstrated that the absence of high quality dwellings prevents the attraction of significant economic investment to Monmouthshire and the proposals do not cause unacceptable harm to their setting and the landscape.

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- There is not a demand in the area for larger replacement dwellings. The application does not conform to Policy H5.
- The local Member also disagrees that a caravan of a larger size could be put on the site. If this did occur and it was a private dwelling then even if it didn't require planning permission it would have to have stringent licensing conditions applied to it, unless it was for agricultural use. If it was used for agricultural use, it would help provide local affordable agricultural usage.
- With regard to the 640 cubic metres property, this was offered with an agricultural condition attached. The agricultural condition was looked at in terms of TAN 6 and the need to have an agricultural worker on site. There has been no offer of agricultural occupancy provision.
- Consideration may be required to bring back the agricultural occupancy condition.
- The application does not comply with TAN 6.
- There is nothing in Policy H5 regarding caravans.
- Shirenewton Community Council prefers the smaller design which complies with Policy H5 as it is more in keeping with a modest farm style dwelling and is more in line with the current footprint.
- The Juliet balcony and hipped roof of the proposed application does not reflect the rural setting that that it would be occupying.
- The local Member considers that it is unnecessary to give consent to the proposed dwelling as it does not comply with Policy H5.
- The local Member considers that the application should either be refused or deferred for officers and applicant look again at this application. Also, that the certificate of lawful residence be looked at to see if it has been suspended as there has not been any residents at this location which would mean that the agricultural condition would apply. Deferral of the application would allow for the legal and policy considerations to be considered.
- The applicant has not followed the Planning Inspector's decision which was to remove the mobile chalet.

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

- The certificate of lawfulness does not restrict any occupancy. It is not like an agricultural tie or a rural enterprise dwelling. There is no restriction on residential occupancy.
- The certificate of lawfulness was granted and is now in perpetuity.



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- In 1997 when the temporary permission was granted, the building should have been removed after three years but this did not occur. It was in place for 16 years with 10 of those years showing evidence to prove that it was occupied as a residential dwelling. Hence, the certificate of lawfulness being granted.
- It is accepted that 21 years ago the building should have been removed. Procedures have been put in place now to check temporary consents.
- The application is for a building that is 407 cubic metres. The previous application of 343 cubic metres was approved by Planning Committee and therefore could be implemented.
- The current application is for a larger building than the previous approved application but is smaller than a structure that could be legally replaced.
- The certificate of lawfulness grants permission for a caravan with unrestricted residential use which could legally be replaced with another caravan of up to 415 cubic metres with an unrestricted residential use. The current application proposes a building that is smaller than could be legally put on the site at present.
- The local Member considered that a caravan would be preferable as it would be more likely to provide an agricultural worker. The aim of TAN 6 is to provide for an agricultural worker. This site would more likely be used by an agricultural worker with an affordable dwelling in place.
- It was noted that the size of the proposed dwelling was similar to the approved application and the design of the proposed dwelling was considered to be superior.
- A Member expressed concern regarding the history of the site and whether someone had previously lived in to the caravan as stated. It was considered that the property should have been taken down in 2000. The Member supported the local Member in that consideration of the application should be deferred. In response, it was noted that sufficient evidence had been provided to indicate that the property had been occupied.
- Under the replacement dwelling policy it does not prescribe that the Authority needs to know who occupies a property. It is an application to remove one building and replace with another building of the same residential use.
- Under the replacement dwelling policy there is no requirement for an affordable housing contribution as there is no additional residential unit created.
- Once the certificate of lawful use has been issued the property is immune from enforcement action on that site for that use.
- The Head of Planning stated that it has been established via the certificate of lawfulness that there is a residential use on the site. Agricultural ties under TAN

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6 is not relevant to this application. A smaller dwelling has already been approved for the site and an affordable housing contribution was not sought for this unit. This matter is not covered via the Supplementary Planning Guidance.

- Ensure the mullions and transoms of the windows match up on the front and rear of the dwelling.

The local Member summed up as follows:

- An agricultural condition should be considered. The application had been amended to provide a smaller unit. The original application did offer an agricultural condition which has not been included in this application.
- The provision of a replacement caravan would assist in providing affordable accommodation for an agricultural worker.
- The proposed dwelling is larger than the dwelling already approved by Planning Committee in 2017.
- Policy H5 should also be looked in respect of this application.
- Shirenewton Community Council had expressed concern for the need for affordable housing accommodation in the area.
- There has been no affordable housing contribution added to this application.
- Shirenewton Community Council had suggested that there should be a condition that the person who purchases this private residential dwelling would have a local connection but this has not been considered.
- It was considered that the approved 2017 application was a better option and was more modest in the size of the dwelling.
- Deferral of the application should be considered with a view to referring back to the assessment report from Mr R. Anstis, reconsider Policy H5, consider an agricultural condition as well as considering an affordable housing contribution.

The Head of Planning informed the Committee that certificate of lawfulness has established that a mobile home and chalet can be located on the site with residential use. The same volume has been allowed under the Caravan Act, which could allow for the proposed replacement dwelling. The previous consent agreed in 2017 does not have an agricultural tie.

It was proposed by County Councillor L. Brown and seconded by County Councillor A. Easson that we be minded to defer consideration of application DM/2020/01157.

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

For deferral	-	2
Against deferral	-	9
Abstentions	-	0

The proposition was not carried.

It was proposed by County Councillor A. Easson and seconded by County Councillor M. Feakins that application DM/2020/01157 be approved subject to the seven conditions outlined in the report and subject to an additional condition to include an affordable housing contribution.

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

In favour of the proposal	-	5
Against the proposal	-	6
Abstentions	-	0

The proposition was not carried.

On the advice of the Planning Committee's legal representative, Members voted on the Officer's recommendation to approve application DM/2020/01157 subject to seven conditions outlined in the report and that an additional condition be added that mullions and transoms of the windows match up on the front and rear of the dwelling.

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

In favour of the proposal	-	7
Against the proposal	-	2
Abstentions	-	0

The proposition was carried.

We resolved to approve application DM/2020/01157 subject to seven conditions outlined in the report and that an additional condition be added that mullions and transoms of the windows match up on the front and rear of the dwelling.

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

##### **8.1. 13A Fosterville Crescent, Abergavenny**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 13A Fosterville Crescent, Abergavenny on 9<sup>th</sup> November 2020.

We noted that the appeal had been dismissed.

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**8.2. Horseshoes Barn, Great Park Farm, Great Park Road, Llanvihangel  
Crucorney, Abergavenny**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Horseshoes Barn, Great Park Farm, Great Park Road, Llanvihangel Crucorney, Abergavenny on 1<sup>st</sup> December 2020.

We noted that the appeal had been dismissed.

**8.3. Rear Barn, Manor Farm, St. Bride's Road, St. Bride's Netherwent,  
Caldicot**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Rear Barn, Manor Farm, St. Bride's Road, St. Bride's Netherwent, Caldicot on 24<sup>th</sup> November 2020.

We noted that the appeal had been dismissed.

**The meeting ended at 4.58 pm.**

**Application Number:** DM/2019/02079

**Proposal:** Construction of two detached dwellings and external works (relocation plot 12)

**Address:** Land adjacent to former Ifton Manor Farm, Chestnut Drive, Rogiet

**Applicant:**

**Plans:** Tree Survey 2429-PA-10 - (09/12/2019), Location Plan 2429-PA-01 - , Site Layout 2429-PA-03 - , Floor Plans - Proposed 2429-PA-04 - (Type B Plans), Elevations - Proposed 2429-PA-05 - (Type B Elevations), All Drawings/Plans 2429-PA-06 - (Fence), Floor Plans - Proposed (Handed Unit) 2429-PA-07 - (Type B Plans), Elevations - Proposed (Handed Unit) 2429-PA-08 - (Type B Elevations), Site Layout 2429-PA-09 - , Site Layout 2419-PA-03A - , Tree Protection Plan fencing - ,

## **RECOMMENDATION: APPROVE SUBJECT TO S106 AGREEMENT**

Case Officer: Mrs Helen Hinton  
Date Valid: 24.12.2019

### **1.0 APPLICATION DETAILS**

This application was originally reported to the Council's Delegation Panel on the 22nd July 2020. Following consideration of the report (which is provided below for reference) Members resolved to approve the application subject to the applicant entering into a Section 106 agreement to secure a commuted sum to be used for affordable housing.

During the processing of this legal agreement, a public objection has been received. This relates to construction works which have already commenced and raises concerns that the development was not being built in accordance with the proposed plans and was closer than that specified as part of the original report. The objector states that this results in an increased level of overshadowing and overlooking to the detriment of amenity.

During discussions the objector has specified that they were not made aware of the application. Based on the records kept it is noted that a direct neighbour notification was sent to the objector's property and a site notice was erected on the lamppost closest to their dwelling on the 7<sup>th</sup> January 2020. The objector has maintained that the letter was not received.

As a result of the objection, site visits were conducted on 11<sup>th</sup> and 22<sup>nd</sup> December 2020 where measurements were taken between the property under construction and the objector's dwelling. During these inspections it was noted that the dwelling under construction maintains a distance in excess of 21m between habitable room windows and that a close boarded, timber fence 1.8m in height has been erected between the objector's property and the dwellings under construction. However, it was also noted that vegetation within the development site, adjacent to the boundary with the objector, had been removed.

In light of the new objection being received prior to the Section 106 being completed, the application was returned to the Council's Delegation Panel on 13<sup>th</sup> January 2021 for consideration. At that meeting Members resolved that the application should be presented to the Planning Committee for ultimate determination.

It is appreciated that the application site is on raised ground relative to the objector's property. This has the potential to add to the visual mass of the property, reduce the perception of separation distances and change the outlook from the objector's property. However, the distance maintained is

considered compliant with development guidelines and is sufficient to prevent a level of overlooking or loss of privacy so detrimental to warrant refusal of the application. It is noted that as built, the distance of separation is greater than that specified as part of the original planning report.

Although further concerns are raised with regards to the potential devaluation of the objector's property, this is not a material planning consideration.

Whilst the objections raised are acknowledged and it is noted that vegetation between the properties has been removed, it is considered that the distance maintained between habitable room windows in the existing and proposed dwelling and the implementation of a further condition to secure replacement tree planting in compensation for that removed, would be sufficient to prevent the proposal from being significantly detrimental to amenity and is compliant with development guidelines. It is therefore requested that Members resolve to approve the application subject to the conditions specified below:

**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 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is/are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

4 (a) Underground services shall be routed clear of the trees to avoid root damage.

(b) Prior to building work commencing on site (including any demolition and refurbishment works), protective fencing shall be erected around each tree at a minimum radius from the trunk of the tree (or outer trees in the case of a group) equal to the canopy spread or half the tree's height, whichever is the greater.

(c) The fencing shall comprise a vertical and horizontal framework of scaffolding supporting a minimum of 20mm exterior ply or other robust man-made boards and shall be maintained for the duration of construction activity on the site. It shall be at least 2.4 metres high and constructed and erected in accordance with the recommendations published in British Standard 5837:1991.

(d) No storage of plant or materials, landfill, excavation, burning of materials cement mix shall be carried out within the protective fencing.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with LDP Policy G11.

5 No occupation of the proposed dwellings shall take place until car parking and service vehicle provision have been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

7 The windows serving all bathrooms and ensuites shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

8 The materials and finishes of the external surfaces of the walls and roof of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of the dwellings being constructed in accordance with planning permission DC/2015/00095 and shall remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of proposed landscaping, which shall make provision for new trees to be provided in compensation for those removed, and all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of the development.

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

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

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

## **PREVIOUS REPORT to meeting of Delegation Panel held on 22nd July 2020**

**This application is presented to Delegation Panel following the receipt of a public objection**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

The application site comprises a roughly square shaped parcel of land with an area of approximately 865 sq.m positioned to the south-east of an existing site currently under construction, for the development of twelve dwellings. The site forms part of the former Ifton Manor, within the settlement development limits and community of Rogiet as defined by the proposals maps of the Monmouthshire County Council Local Development Plan.

The site is positioned to north-west of the properties in Yew Tree Rise; to the north-east of 17 Chestnut Drive and to the south of four new build dwellings, known as Cherry Close (approved via application DC/2016/00095). The site was not previously included in any application for development. The land is roughly level with the development site to the north-east. At the time of inspection the land was being used for the storage of building materials and equipment with the northern and western boundaries was enclosed on the y 1.8m high close boarded fences with the remains of a stone wall, brick wall and timber fencing along the southern boundary. The trees immediately adjacent to the western boundary of the site are protected by a Tree Preservation Order.

The site currently under construction was granted approval via application DC/2015/00095 on the 5th June 2019 and has recently been the subject of an application to substitute two on site affordable houses with two open market properties (application DM/2019/01355 refers). The Delegation Panel resolved to approve that application on 19th May 2020, subject to the applicant entering into a deed of variation of the original Section 106 to provide a commuted sum contribution, in compensation for the loss of onsite provision.

## 1.2 Proposal Description

The application seeks full planning permission for the development of two detached, four bedroom dwellings and the repositioning of the dwelling on 12 approved as part of application DC/2015/00095.

The dwellings as proposed would measure 9.4m deep, 7m wide and 8m high. Each property would benefit from three off street parking spaces and an enclosed rear garden. The dwellings would be orientated to face north-east towards the existing development with access gained from the approved estate road, which in turn adjoins with Chestnut Drive to the north-west.

In terms of design and finish the proposed dwellings would match those previously approved and under construction with render elevations, with the exception of the first floor of a front facing gable projection that would be finished with gray cladding, dark grey coloured upvc windows and doors, dark grey roof tiles and black rain water goods.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00968	Variation of conditions 3 (start date notification), 6 (stone wall), 12 (bat method statement), 14 (Protected species monitoring) 15 (GI Management plan), relating to DC/2015/00095.	Pending Consideration	
DM/2019/00971	Discharge of conditions 4 (foul and surface water drainage), 5 (WSI Historical Enviro mitigation), 7(external materials samples), 9 (highways engineering details), 11 (construction Traffic management) and 17 (finished Floor levels) relating to application DC/2015/00095.	Pending Consideration	



DM/2019/01132	Non material amendments in relation to planning permission DC/2015/00095 (approved drawing 2109/504 has chimney in incorrect position, has no windows to toilet and sanitary rooms and unusual screen to rear room)	Pending Consideration	
DM/2019/01133	Discharge of conditions 6 (stone wall details) 8 (boundary details) and 16 (hard and soft landscaping) of planning permission DC/2015/00095.	Pending Consideration	
DM/2019/01355	Substitution 2 affordable dwellings for two market houses (Original permission DC/2015/00095 - residential development of 12 units with associated development).		29.07.2020
DM/2019/02059	Discharge of conditions 12 (protected species (bats) method statement); 13 (lighting or lighting fixtures); 14(monitored scheme for protected species); 15 (Green Infrastructure Management Plan) and 16 (hard and soft landscape works) of planning consent DC/2015/00095	Pending Consideration	
DM/2019/02079	Construction of two detached dwellings and external works (relocation plot 12).	Pending Determination	
DM/2020/01474	Discharge of conditions 13 (lighting) and 16 (soft landscaping) relating to application DC/2015/00095.		
DC/2015/00095	Residential development (12 Units) with associated development.	Approved	05.06.2019

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

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

#### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD4 LDP Sustainable Drainage

GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

## **Supplementary Planning Guidance**

Affordable Housing Supplementary Planning Guidance, July 2019

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

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

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

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Rogiet Community Council** - No response received.

**Highways** - No objection

**Welsh Water** - Conditions recommended regarding the disposal of foul and surface water

**Glamorgan Gwent Archaeological Trust** - Original response- Additional information requested.

**Glamorgan Gwent Archaeological Trust** - Updated response awaited

#### **5.2 Neighbour Notification**

The application has been advertised by direct neighbour notification and the erection of a site notice. One letter of objection has been received and is summarised as follows::

Close to adjoining properties

Increase in traffic

Out of keeping with character of area

Over development

Strain on existing community facilities

The existing highway has been turned into a mess with the recent amount of development.

The small space and green area is becoming incredibly messy and over crowded.

#### **5.3 Local Member Representations**

The Ward Member, Cllr Guppy was notified of the application on 7th January 2020. No objections or representations have been received.

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

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### **6.1.1 Principle of Development**

The plot is located within the Development Boundary of Rogiet within which policy S1, and H1 presume in favour of new residential development subject to detailed planning considerations. The site as whole is within walking distance of shops, a primary school, public transport and other local facilities. The site is considered to be a sustainable location for new dwellings and accords with the LDP strategy for new housing development to be concentrated in existing settlements. The principle of a new residential dwelling in this location is acceptable in policy terms.

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 the two additional dwellings would be £10,542.08 (£5,271.04 per dwelling) that would be secured through a section 106 Legal Agreement.

#### **6.1.2 Good Design/ Place making**

Although the wider residential area contains a variety of property types, designs and external finishes, the estate within which the dwellings would be located does contain a more limited design, form and material palette. Although an objector has raised concerns that the proposal would be out of keeping with the area, the proposed dwellings have been designed to be in keeping with the new estate with the height, design and material matching the approved dwellings currently under construction. Although different in the design and external to the properties in Chestnut Drive and Yew Tree Rise, the proposed dwellings would not be viewed in relation to these existing properties. As such it is considered that the development would be in keeping with those to the east and would not have an adverse impact upon it the character, appearance of the area and wider street scene.

Although the proposal would increase the number of dwellings on site, it is considered that the enlarged area, which was not previously considered as part of the 2015 application, is sufficient in area to accommodate the dwellings, parking and amenity space and prevent the appearance of overdevelopment.

As specified above the trees to the west, which are outside of the existing boundary are protected by a Tree Preservation Order. No alterations to the boundary position are proposed as part of the current application. Based on the plans submitted, no part of the dwellings would be positioned within the root protection zone or underneath the canopy of the trees.

It is considered that the size, scale, design, position and orientation of the dwellings relative to the ongoing development makes the development acceptable in design terms and compliant with the requirements of policy DES1 of the LDP.

#### **6.1.3 Impact on Amenity/ Promoting Healthier Places**

As a result of its position within an established residential area, there are existing properties surrounding the site namely numbers 14-17 Cherry Close to the north, 17 Chestnut Drive to the west and the properties in Yew Tree Rise to the south.

The dwelling proposed for the northern end of the plot would be positioned parallel to but behind the rear elevation of the closest dwelling in Cherry Close and developed adjacent to the rear curtilage boundary. A distance of approximately 7m would be maintained between the corners of the dwellings. Although the proposed dwelling would be close to the existing property, it is considered that the angle between habitable room windows would be sufficiently oblique to prevent any direct overlooking. Although one window would be provided in the northern elevation of the dwelling overlooking the adjacent gardens this would serve a bathroom and would be obscure glazed. Given the position of the proposed dwelling to the south, it does have the potential to generate

overshadowing and loss of light to the rear elevation and garden of the property in Cherry Close. However, given the off-set position, the distances maintained and the long rear garden of the existing dwelling in Cherry Close, it is considered that the impact generated would not be so overbearing or detrimental to warrant refusal of the application on such grounds.

Based on the plans submitted a distance of 19m would be maintained between side elevation of plot 12 and numbers 4-6 Yew Rise and 19m with the rear elevation of plot 12 and 17 Chestnut Drive. Although the distance maintained between the proposed dwellings and number 17 Chestnut Drive is less than that normally sought, in this instance it is considered that the boundary treatments proposed in conjunction with the existing mature trees to the rear of the application site would help protect and preserve residential amenity and help prevent an unacceptable level of overlooking or loss of privacy or increased overshadowing or loss of light.

Whilst one public objection has been received, no objections have been received from those properties closest to the site.

On the whole it is considered that the distances maintained would be sufficient to prevent the proposal from having an overbearing impact on residential amenity. Although the development would alter the outlook from the neighbouring dwellings, it is considered that the arrangement and distances maintained would be sufficient to prevent any significant loss of amenity to the occupiers of the neighbouring properties. The proposal accords with the objectives of policy DES1 and EP1 in this respect.

#### 6.1.4 The Welsh Language

There are no implications for the Welsh Language as a result of this proposal.

#### 6.1.5 Sustainable Management of Natural Resources

This is not relevant in this case as the application site forms part of an approved development and an area that was formerly residential curtilage.

### **6.2 Active and Social Places**

#### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

This plot is located within the established residential area of Rogiet. It is approximately 600 metres from a primary school, community facilities and a small shop provided as part of the petrol station. The wider area benefits from a frequent bus service which links to Chepstow bus and train stations. The site is therefore considered to be a sustainable location for new housing development.

#### 6.2.2 Access / Highway Safety

The site layout plan submitted indicates that the dwellings would be accessed via a private driveway leading from the estate road created to serve the other 11 dwellings, which in turn adjoins with Chestnut Drive to the north-west. Each property would benefit from a driveway to the front/ side of each dwelling capable of accommodating three off street parking spaces. Although the development would create three four bedroom properties the adopted MCC Parking Guideline requires that one car parking space be provided for each bedroom up to a maximum of three. It is noted that the main estate highway has been the subject of a successful Section 38 Highways Act agreement and will be adopted by the Council once constructed to appropriate standards.

Following consultation the Council's Highways department have raised no objection.

Although an objector have raised concerns that the development would generate increased traffic it is considered that the highway network has sufficient capacity to accommodate the level of traffic generated by the proposal and the development proposed would not have such a detrimental impact on the overall highway safety and free flow of traffic to warrant refusal of the application.

On the basis of the above, the application is considered to comply with the requirements of policy MV1 of the LDP.

### 6.2.3 Retail & Commercial Centres

This is not relevant to this case.

### 6.2.4 Community Facilities

This is not relevant to this case

### 6.2.5 Recreational Spaces

Each dwelling would benefit from front and rear garden areas on a size commensurate with those approved for the wider estate.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Economic Development

There are no economic development implications arising from the development of a single dwelling on this plot

### 6.3.2 Tourism

The proposal has no negative implications for tourism.

### 6.3.3 The Rural Economy

This is not relevant given the urban location of the site.

### 6.3.4 Transportation Infrastructure

The proposed development will be accessed from a publically adopted but unclassified highway and will not have a detrimental impact on local transportation infrastructure.

### 6.3.5 Telecommunications

The proposal has no negative implications for telecommunications.

### 6.3.6 Energy

The dwellings are likely to be served by mains electricity and gas. Although no renewable energy systems are indicated on the proposed plans they could be installed under Part 40 (Installation of domestic microgeneration equipment) permitted development rights. Being mindful that the site is outside of any Conservation Area or Historical designation, it is considered unreasonable to propose the removal of such allowances.

### 6.3.7 Minerals / Waste

The site is outside of any minerals safeguarding area and is unlikely to generate an unacceptable level of waste arising from the development. The Council operates kerb side collections in the area for the disposal of domestic waste and recycling.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

The proposal is considered in keeping with the prevailing character of the estate within which they would be view with a design, scale, siting and external finish being in keeping with the dwellings under construction. Although different in design and material finish to the existing dwellings in Chestnut Drive and Yew Tree Rise, the properties would not be viewed in the same street scene. On balance it is considered that the proposal would not have an adverse impact on the street scene and wider landscape and is compliant with the requirements of policy DES1 of the LDP.

#### 6.4.2 Coastal Areas

The site is not close to the coast.

#### 6.4.3 Historic Environment

The site falls within an archaeologically sensitive area. Following consultation Glamorgan Gwent Archaeological Trust have requested additional information and reports for the site. These are currently the subject of consultation. An update will be provided to Members once received. Being mindful of the scale of works approved as part of application DC/2015/00095; the previously disturbed nature of the site and the relatively small scale increase proposed by the current application it is considered unlikely that the development would have a significantly detrimental impact on archaeology.

#### 6.4.4 Green Infrastructure

At the time of inspection the site had been cleared of all trees and was being used for the storage of building materials and equipment. Although there are a number of mature trees adjacent to the western boundary of the site which are protected by a TPO, these are outside of the application site. The plans submitted detail that no part of the dwellings would be located within the root protection zone or canopy of the trees with tree protection fencing proposed as part of the application. Although an objector has raised concerns that the proposal would result in the further development of a former green space/ farm holding, relative to the 2015 scheme it is considered that the current proposal would not be so detrimental to the green infrastructure of the area to warrant refusal of the application on such grounds.

Given the scale of the development proposed in an established residential area, it is considered unnecessary to secure further GI. Each plot will however be landscaped and a condition will be imposed requiring that the existing hedge along the parts of the boundary be retained. On the basis of the above the application is considered compliant with policies S13 and GI1 of the LDP.

#### 6.4.5 Biodiversity

In accordance with Welsh Government Guidance, each development must now provide ecological mitigation and enhancements. The plans submitted specify that each dwelling would be benefit from a Schwegler Bat tube and swift box. This provision in conjunction with the ecological mitigation to be provided on the wider site is considered sufficient and compliant with the requirements of policies S13 and NE1 of the LDP.

#### 6.4.6 Flooding

The site is not in a designated flood zone.

#### 6.4.7 Water (including foul drainage / SuDS), Air, Soundscape & Light

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) approval independently of the planning application.

#### 6.4.8 De-risking (contamination issues)

There are no contamination or radon records for the site.

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

Following consultation no response has been received from Rogiet Community Council.

Whilst one householder has raised objections to the proposal these have been addressed above and will not be reiterated.

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

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

## **6.7 Conclusion**

It is considered that the proposed dwellings are of a form, scale and design appropriate for the site and the development would not have an adverse impact on the character and appearance of the area, the residential amenity of those living closest to the site, the highway safety and free flow of traffic or the ecological value of the area.

Subject to the imposition of conditions and the application entering into a Section 106 agreement to provide a commuted sum to be used for the development of affordable housing within the area, the application is considered compliant with the policies of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to conditions and the applicant entering into a Section 106 approval to provide a commuted sum to be used for the development of affordable housing within the County.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

An affordable housing commuted sum of £10,542.08

### 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 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is/are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

4 (a) Underground services shall be routed clear of the trees to avoid root damage.

(b) Prior to building work commencing on site (including any demolition and refurbishment works), protective fencing shall be erected around each tree at a minimum radius from the trunk of the tree (or outer trees in the case of a group) equal to the canopy spread or half the tree's height, whichever is the greater.

(c) The fencing shall comprise a vertical and horizontal framework of scaffolding supporting a minimum of 20mm exterior ply or other robust man-made boards and shall be maintained for the duration of construction activity on the site. It shall be at least 2.4 metres high and constructed and erected in accordance with the recommendations published in British Standard 5837:1991.

(d) No storage of plant or materials, landfill, excavation, burning of materials cement mix shall be carried out within the protective fencing.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with LDP Policy G11.

5 No occupation of the proposed dwellings shall take place until car parking and service vehicle provision have been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

7 The windows serving all bathrooms and ensuites shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

8 The materials and finishes of the external surfaces of the walls and roof of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of the dwellings being constructed in accordance with planning permission DC/2015/00095 and shall remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

## **INFORMATIVES**



1 The proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at:

[www.monmouthshire.gov.uk/sustainable-drainage-approvingbody-sab](http://www.monmouthshire.gov.uk/sustainable-drainage-approvingbody-sab)

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**Application Number:** DM/2019/00800

**Proposal:** Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway

**Address:** Homestead, Wainfield Lane, Gwehelog, Usk  
**Applicant:** Mr. & Mrs. Newman

**Plans:** Site Plan 1416[BD]01 - REV E, All Proposed Plans 1416[BD]02 PLOT 1 - REV B, All Proposed Plans 1416[BD]03 PLOT 2 - REV B, Location Plan - , Homestead Site Survey as Existing – Rev A Jan 21. Homestead Foul Drainage Layout Plan Rev B Dec 2020.

## **RECOMMENDATION: APPROVE SUBJECT TO S106 AGREEMENT**

Case Officer: Ms. Kate Bingham  
Date Valid: 24.05.2019

- 1.1 This application was presented to Planning Committee on 3rd March 2020 with a recommendation for approval. At this meeting it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that the application be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Also, that an additional condition be added to approve the details of foul drainage including the removal of the existing arrangement. It was subsequently considered that the drainage details should be made available prior to approval to allow scrutiny from the Sustainable Drainage Approving Body (SAB), NRW, local residents, the Community Council and Local Member.
- 1.2 The surface water drainage will consist of treatment plant discharge beneath the permeable paved area via a dispersal unit. The plans show a separate packaged treatment plant for each dwelling. The applicant's drainage consultant has confirmed that based on the number of bedrooms, 1.05m<sup>3</sup> per plot a day is the discharge rate from the treatment plant. A copy of the infiltration test results for the site have also been provided. The treatment plant for each dwelling will be a Klargester Biotec. Biotec-1, six person population.
- 1.3 Further neighbour notification comments:
  - The bulk of the soakaways are under the drives in areas where no infiltration tests have been conducted, this is contrary to best practice as outlined in building regulations. From the infiltration tests conducted it is clear that the infiltration rate varies greatly (e.g. soakaway is not viable at test pit 3) and so tests should be conducted in areas where the soakaways are proposed to be. Most of the soakaways are adjacent to or over the area where the current dwelling is located.
  - The footings, if they remain, seem likely to have a significant negative influence on infiltration.
  - There is no indication as to what is to happen with the footings of the existing bungalow (are they to be removed?).
  - The infiltration only seems to be at a viable level adjacent the lane. I suspect this is because the water is draining into the substrate of the lane - could this affect the integrity of the lane over time?
  - Building regulations state that soakaways should not be located close to roads but the proposed soakaway is close to the lane.
  - Adjacent properties on the opposite side of the lane are set lower than the site and during periods of rainfall have springs which well-up. I am concerned that if soakaways are to be toward the front of the proposed properties (as opposed to the rear of the plot) that they will simply serve to feed these springs and cause problems (possibly flooding) at properties on the opposite side of the lane. There has recently been an incident of flooding in one of the more recently built properties suggesting that directing the storm water from the newly built properties towards the front (as opposed to the rear of the properties) is likely to have a

significant negative impact on other properties. BRE Digest 365 states that care must be taken so that the introduction of large volumes of surface run-off into the soil does not disrupt the existing sub-surface drainage.

- The July 2020 Drainage Layout Plan still numbered D001 is titled "DRAFT Indicative Surface Water Drainage Layout". As you'll be aware, documents entitled 'draft' and 'indicative' have no force in planning implementation terms, so when will you be re-consulting once you have received the actual substantive drainage proposals, for foul as well as surface water? On this subject, the Infiltration Test report refers to Trial Pits 1, 2 and 3, but not Trial Pit 6 which is now at the heart of the new 'draft' layout proposals; when will the infiltration Test Report be amended to deal with Trial test Pit 6?
- If the July 2020 drainage Layout Plan does become the substantive foul and surface water drainage proposal, then it demonstrably fails to comply with NRW GPP4 and Building Regulations H2 which is why we have copied this email to Alice Jewer of NRW and Matt Jeffes of MCC, Senior Engineer (Flood Risk). To evidence that such concerns are not a NIMBY reaction to the current Homestead proposal for two new dwellings, we've attached the minutes of the Gwehelog Community Council public meeting of 21st November 2012 with representatives of MCC Planning, Environmental Health, the Environment Agency and Welsh Water, and which also involved correspondence with David TC Davies MP who wrote to state that residents are concerned about "the land treated domestic sewage is travelling over".
- Previously objected to the emerging drainage proposals, and these objections still stand despite the July 2020 draft amendments.
- We note the claim that the new arrangements comply with Building Regulations, British Standards etc. Unfortunately they clearly don't: Part H of the Building Regulations state at H2 1.27: "A drainage field ...should be sited (c) at least 15m from any building" whereas the system to serve Plot 2 is within 8m of the dwellings on Plots 1 and 2, compounded by the fact that it is above the properties so that pumping will be necessary, and half of its area is in the next door garden.
- The two Treatment Works are both located too close to the dwellings, (c7m as opposed to the 10m minimum required by H2 1.54) and that serving Plot 2 is inaccessible to tankers for maintenance or de-sludging.
- The Percolation test pits are questionable, pit 1 for example falls outside of the proposed drainage area, and at 300mm depth was too shallow to comply with requirements; as Sarah Lund pointed out in NRW's letter of 5.8.20, the BS is that the pit should be at least 300m below the proposed level of the pipe, and the SUDS CIRIA guidance at B1 refers to at least 500mm depth. If Pit 1 is excluded from the calculation as it should be, the required drainage area becomes 77m<sup>2</sup>, which won't fit into the small garden area. The inadequacy of the garden areas is compounded by the guidance that drainage areas should be away from boundaries, tree root systems, highways etc.
- The Foul Drainage Layout Plan says: "Refer to SuDS sustainable drainage scheme drawing for full details of surface water drainage." Without that drawing being available, the new Foul Drainage proposals are even more meaningless. We look forward to the Surface Water details being published and formal re-consultation, but trust that the overall scheme will be reduced to the single plot that would comply with the LDP Infill Policy. If it isn't reduced, we expect the proposal be advertised as a Departure from the Development Plan.
- The required 2m distance between the Site Boundary and outer edge of the Drainage Area this has been achieved by falsifying the Site Boundary which has been 'moved' at least 1m northwards and 1.5m eastwards.
- The new drawing (drainage overlay) is completely at variance with all of the previous submissions.
- We accept that Ty Gwyn Farm has erected an anti-dog wire fence with shuttering on their side of the hedge, but this should not in any way be seen as the ownership boundary which runs along the centre of the hedge. As local residents, we'll be only too pleased for MCC Planning Officers to visit the site (with adequate warning and social distancing please) to appreciate the physical realities in contrast to the latest Buckle/Chamberlain drawing which is at complete variance from their previous submissions.

1.4 The Council's SAB officer has reviewed the proposed drainage and has stated that it is acceptable in principle subject to allowing for a chamber above the foul soakaways for inspection/clearing should this ever be required. The application will require separate SAB

approval which has been applied for. Furthermore, MCC Building Control Inspectors have also indicated that the drainage proposals will meet the requirements of the Building Regulations and comments as follows:

- Package treatment plant to be at least 7m from the building.
- Drainage field to be at least 10m from the building.
- The drainage layout proposals appear satisfactory on the attached plans with regards to the layout.

1.5 NRW have also reviewed further details submitted and have commented as follows:

We understand the development is not served by the public foul sewer and that foul drainage is to be discharged to a private sewerage system (two individual package treatment plants serving each dwelling).

Our previous response to this consultation on 25/11/20 (our reference CAS-131021-T0M8) advised we have concerns with the suitability of the ground for the proposed sewage soakaways. We requested 1) revised percolation tests compliant with the British Standards and 2) a revised foul drainage layout which provides sufficient soakaway areas.

#### *Percolation Test Results*

We have reviewed the revised Percolation Test Results prepared by Ridgeway Contractors Ltd., dated 01.12.20, which show the ground is suitable for soakaways at these locations. Therefore, our concerns regarding point 1 have been satisfactorily addressed.

#### *Soakaway Areas*

Regarding point 2, we previously advised that there may not be sufficient space for adequate soakaways because British Standards states that the siting of a soakaway must not be within 2 metres of the site boundary.

The revised Foul Drainage Layout Plan, revision B, prepared by Ridgeway Contractors Ltd., dated 3.12.2020, shows the drainage fields are two metres from the redline site boundary. You may wish to check that the scale plan has accurate dimensions.

1.6 The only point of concern raised by NRW is the foul drainage field of Plot 2 uses part of Plot 1's rear garden. The gardens for these plots are large with open space at the rear and front of both Plots 1 & 2. As a result, the applicant has altered the rear boundary between the Plots so that the outfall drainage field is completely within Plot 2.

1.7 Rather than applying a condition requiring a drainage scheme to be submitted to and agreed in writing prior to the commencement of development, the following condition requiring the development to be implemented in accordance with the drainage scheme presented is suggested:

The proposed development shall be implemented in accordance with the agreed scheme of foul drainage and surface water drainage. The scheme shall be completed before the building(s) is/are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

1.8 In relation to comments received from local residents regarding the site boundary, the applicant has confirmed that the site boundaries shown on the plans submitted are accurate. There are existing mature hedgerows at the edges of the site which are over 2.5m wide. For the avoidance of doubt and clarification a drainage plan with an overlay showing the updated version of Usk Land Survey showing the full hedge width has also been submitted. The Usk Land Survey topographic site survey is an accurate survey of actual physical site boundaries whereas the topographic site survey of the property submitted only showed the face of the hedge around the site. As such it is considered that the site areas are adequate to accommodate the

drainage proposals.

1.9 With regard to comments regarding the position of the foul treatment plant, this complies with current Building Regulations Part H. Building Regulations require the treatment plant to be 7m from the house not 10m, the package treatment plant to be at least 7m from the building and the treatment plant drainage field to be at least 10m from the building. This has been achieved and is shown on the latest plans and has been confirmed by the Council's Building Control Officer as being acceptable.

1.10 The previous report is represented below.

### **Report to Planning Committee of 3rd March 2020:**

**Application Number:** DM/2019/00800

**Proposal:** Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway

**Address:** Homestead, Wainfield Lane, Gwehelog, Usk

**Applicant:** Mr. & Mrs. Newman

Plans: Site Plan 1416[BD]01 - REV D, All Proposed Plans 1416[BD]02 PLOT 1 - REV B, All Proposed Plans 1416[BD]03 PLOT 2 - REV B, Location Plan - , Topographical Survey

### **RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT**

Case Officer: Ms. Kate Bingham Date Valid: 24.05.2019

**This application is presented to Planning Committee due to the number of objections received**

### **1.0 APPLICATION DETAILS**

1.1 The site comprises a garden area around the existing bungalow that is predominantly lawn, a limited amount of overgrown shrub borders and some individual shrubs within the garden to the rear of the bungalow. The majority of the existing vegetation is restricted to the boundaries of the site. Extending from the south to east a concrete block wall forms the boundary between the site and the neighbouring property of Ty Cwtch. The concrete block wall is some 1.8m high.

1.2 At the request of planning officers, the proposed development has been amended since it was first submitted. The revision was from two dwellings arranged as one to the front of the plot and one to the rear, to two smaller dwellings sited to the rear of the plot in a line next to each other. This was to ensure that the proposed development accorded with LDP Policy H3 relating to infill dwellings in minor villages.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2007/01071	New house & detached garage (revised scheme following permission DC/2006/00303).	Approved	07.12.2007

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

#### **Strategic Policies**

S4 LDP Affordable Housing Provision  
S1 LDP The Spatial Distribution of New Housing Provision S12  
LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment S16  
LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

H3 LDP Residential Development in Minor Villages  
LC5 LDP Protection and Enhancement of Landscape Character DES1  
LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection NE1  
LDP Nature Conservation and Development SD4  
LDP Sustainable Drainage

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

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

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

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

##### **Gwehelog Community Council - Objects:**

1. The proposed development is an additional development on the lane and not infill. It will make this the third division of a single plot. The plot is only big enough for one house in a rural, countryside setting.
2. Allowing the application will set a precedent for extended development outside the current LDP.
3. Foul drainage remains a significant issue. The potential amount of waste on a small plot will not be managed by a soakaway. The soil in this area will not tolerate the amount of waste that will be produced.
4. The positioning of the plot will not be acceptable - any development should remain on the existing plot or move back, keeping the roof line the same as the other houses on the lane.
5. The proposed development will have a significant impact on traffic along the lane and driveways appear to be directly opposite other properties.

**Natural Resources Wales (NRW)** - We have no objection to the application as submitted but request that an informative is attached to any planning permission granted advising that a bat licence is required for the works.

**MCC Urban Design/ Landscape Officer**- The increase in garden to the frontage is welcomed and could provide an opportunity for a suitable landscape scheme based on the concept planting schedule 1416[BD]06 August 2019 and species selection to reduce the impact of the proposed development (dwellings and garage to plot 2) on the village form and character as seen from Wainfield Lane.

Plan 1416[BD]01D indicates the retention of trees to the northern boundary which is welcomed. The retention of boundary hedges are also welcomed. Further tree and planting to eastern, southern and western boundaries to reduce the impact of the northerly property plot 1 ridgeline would be welcomed as viewed from the approach to the village via Wainfield Lane and as viewed from Bank Road and Llancayo Road (this has now been added to the proposal).

**MCC Highways** - No objection to access and parking arrangement. Concern of adverse impact on highway safety should this application set a precedent for further plot divisions. Recommend condition requiring the provision of the new access prior to development commencing and a Construction Traffic Management Plan.

**MCC SAB** - the proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

**NATS Safeguarding** - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

SEWBRc Search Results - No significant ecological record identified. 5.2

#### Neighbour Notification

Nine representations received. Object on the following grounds:

The proposal extends the furthestmost line of building beyond the bungalow to be demolished and as such does not constitute true infill.

The two dwellings together are too big for the plot, too close together and out of character with other properties in the lane.

The development would add additional traffic on the lane which has no passing places at the bottom end and an access on to the main road which is potentially dangerous.

Any foul drainage system for the proposed housing development would need to cope with the impact of the full potential occupancy of the 2 x 4 bed roomed houses - which given the number and size of the bedrooms would be at least 16 persons (i.e. 8 persons per property) - and not just the average sized families that would in reality probably reside there. Therefore, it would be interesting to know the applicant's plans for foul drainage given the very limited space that is available on the plot to install the necessary plant and soakaways etc., and, given the well documented history of drainage issues in the area.

It is disappointing to note that despite meeting with MCC Planning on two occasions the Agent/Applicant has once again submitted an application that is contrary to Supplementary Planning Policies H3 and H5 regarding infill and replacement dwellings respectively.

The scale and massing of the application is in line with a housing estate not a country village. It is not 'in-fill'. The two proposed dwellings are not in the 'building line' and do not 'in-fill' between any properties, therefore in conflict with Policy H3 of the Supplementary Planning Guidance.

It is not a replacement dwelling. The proposed two properties are not on the original bungalow footprint so therefore in breach of Policy H5 of the Supplementary Planning Guidance. The proposal is clearly overdevelopment.

There are no other three storey properties on the lane. This would set a new precedent for further development.

The drawings are misleading. No adjacent properties are shown on the drawings. There is no demonstration of how the proposal relates to existing properties, especially in terms of building line and the proposed heights. Please note, in other recent planning applications along Wainfield Lane, 'Ty Cwtch' has been stated as NOT setting a planning precedent for ridge height in planning



applications by MCC. These recent applications also have permitted development with restrictions on ridge heights and increased distances from adjacent boundaries to minimise the visual impact. (Street elevations now submitted with the application).

Pipistrelle bats are roosting at the property. The removal of hedgerow, as proposed in the creation of the new driveway would damage the bats 'route to roost', limiting food source and causing them disorientation for their established routes to feed and roost. This has not been looked at or taken into consideration.

The positioning of the proposed new driveway, the third one for the 'Homestead' plot in less than three years. Usually in a village, driveways are staggered. The relationship to other drives is not shown on the drawings, but it looks as though the new proposal would be directly opposite Meadowside's drive.

The planning precedent this application would set. Allowing this proposal would allow neighbouring garden/land owners to build similar schemes which would cause significant harm to the identity of our small country village. The plans submitted are still not to scale and are therefore misleading.

The revised plans still do not address my major concerns and objections. I had hoped that any new application submitted would have been for one home and not a two house development. Sadly this second attempt to once again gain planning permission for two houses being constructed on this small plot is still overcrowding of the site and is clearly for profit without consideration for the local plan or aesthetics of the area.

The development is 270% bigger than the existing bungalow, and would dominate the horizon being at the highest point of Wainfield Lane, which again is not in keeping with the local plan.

Believe the development will impact Meadowside both on loss of privacy and local amenity.

Both dwelling houses are considerably higher and each has three storeys, whereas the existing property is a bungalow.

The proposed dwellings are located close to the highest point on Wainfield Lane (and at what is in fact the highest developed part of the east side of the lane, which is higher than the west side) and as such would have a significant negative visual impact from the lane and the surrounding countryside.

Contrary to LDP Policy H6 relating to replacement dwellings in the open countryside.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### **6.1.1 Strategic Planning/ Development Plan context/ Principle of Development**

Gwehelog is classed as a minor village suitable for infill residential development under Policy H3 of the Local Development Plan (LDP). This policy 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, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.

In this case replacement of the existing bungalow with plot 1 is acceptable under LDP policy without the requirement to meet the criteria of Policy H6 as this relates to replacement dwellings in the open countryside which this site is not. Once Plot 1 is constructed the area between Ty Cwtch and the replacement dwelling then becomes suitable for infill development under Policy H3 as it would constitute the filling of a small gap between two existing dwellings. On this basis it is considered to be counter-intuitive to require the construction of plot 1 prior to plot 2 as this would lead to unnecessary additional noise and disturbance for neighbouring occupiers during construction. On this basis it is considered that the proposed application would be acceptable in principle.

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 £8,491 which will be secured by a Section 106 legal agreement.

#### **6.1.2 Good Design/ Place making**

The existing bungalow is relatively modern and is not a traditional dwelling that is intrinsic to the

landscape character of the area. As such its demolition will not harm the appearance of the area.

The proposed replacement dwellings will be traditional two storey houses with natural or man-made riven edged slate roofs, fine texture render and natural cedar/larch clad walls and aluminium or uPVC windows with traditional glazing bar arrangements.

There is a mix of house types on Wainfield Lane with post war detached houses and bungalows and more modern infills. The proposed new houses are considered to be in keeping with the vernacular of the area and the other dwellings within the vicinity of the site.

The proposed layout will see a single central access point leading to a detached garage to the front of Plot 2 and then onto Plot 1. The shape of the plot differs from others along the lane as the boundary is straight along the southern edge but is more like a dog-leg to the north which allows more area to accommodate the two buildings. The two dwellings will follow the building line established by the neighbouring dwelling Ty Cwtch. Street elevations submitted with the application show that the ridge height of the proposed new dwellings will be similar to Ty Cwtch with Plot 2 which is immediately adjacent having the same ridge height and Plot 1 slightly higher. The properties have accommodation in the roof space in the form of a bedroom but are not overtly three storey.

On balance, it is considered that the proposed layout will not appear at odds with the general ribbon pattern of development in the area and will not therefore adversely affect the street scene or character and appearance of the wider area. The proposed development is therefore considered accord with LDP Policy DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

There are likely to be views southeast from Plot 2 towards the rear garden area of the property of Ty Cwtch however these views will be limited to a 45 degree angle. There will be no windows on the side elevation of Plot 2 facing this neighbour. A substantial laurel hedge within the Ty Cwtch garden together with the concrete block boundary wall would screen all views from the ground floor of this neighbouring property and vice versa.

Distances between the existing dwelling on the other side of Wainfield Lane and the proposed new dwellings are well over 21 metres and views between will be distant only. The proposed dwellings are set back from the front boundary at distance of over 22m (72ft).

On the basis of the above, it is considered that the proposed new dwellings will not adversely affect local residential amenity and meet the requirements of LDP Policy EP1.

## **6.2 Active and Social Places**

### 6.2.1 Access / Highway Safety

With regard to highway safety it should be noted that there is only a net increase of one dwelling and it is considered by the Highway Authority that traffic flow on Wainfield Lane will not be adversely affected and would in isolation, not be sufficient reason to sustain a highway objection. However, Highways are concerned that should further plot divisions be allowed as a result of this application then there could be the potential to cause strain on the public highway in terms of traffic flow etc., along the single lane Wainfield Lane. Any additional proposals for sub-division will be the subject of a planning application which can be assessed on its own merits having regard to the cumulative impact of additional traffic.

Parking spaces are provided on the site and this arrangement would avoid cars parking in Wainfield Lane. A turning area is also provided within the site meaning that cars can enter and leave in a forward direction. As such the proposed development meets the requirements of the MCC Parking Standards.

The proposed relocated position of the proposed access provides greater separation between the proposed dwelling on Plot 1 and the boundary with Ty Cwtch and also provides improved visibility. Thus it is considered that the proposed development will not harm highway safety in accordance with LDP Policy MV1.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Landscape/ Visual Impact

The village form along Wainfield Lane from the junction of the Monmouth Road to the crossroads junction with Bank Road is in general a ribbon settlement consisting of predominantly individual houses of mixed size, architectural form and age set within their own grounds and driveways leading onto a tree and hedge-lined Wainfield lane.

The settlement of Gwehelog is quite dispersed overall, set within the context of the historic landscape of Gwehelog and Trostrey commons as defined by LANDMAP and in the visual and sensory landscape setting of Gwehelog characterised by wooded hillside and scarp slopes. Both evaluated through LANDMAP as being of High value.

The existing mature boundary hedge screens the view of the new dwellings from the road and all existing boundary hedges and trees are to be retained including the translocation of the hedge to infill the existing site access. Additional planting using native species is also proposed and its implementation and maintenance can be ensured by planning condition.

The frontage of the site along the lane is 34.5m wide and the plot measures over 52m deep front to back. The site area is just under a third of an acre (1,270 sq. m) which is considered to be adequate to accommodate two dwellings and still provide on-site parking, turning areas and large gardens and soft landscaped space. The landscape proposals also seek to contain the two buildings within hedgerow perimeters to emulate the landscape character along Wainfield Lane.

The size and shape of the site allows for an enhanced lane frontage, appropriate to the village form. The site is considered to be of sufficient width to accommodate two dwellings without causing a significant visual impact and no physical impact to the existing vegetation or site context. The density of the residential ribbon development, alongside Wainfield Lane, varies considerably and the density of the proposal is no more than found at Woodgate House, Hafan Dawel, Tan-y-Deri and Ty Derwen.

Taking this into consideration and the fact that National Planning Policy encourages the best and most efficient use of residential land then it is concluded that the proposed development is acceptable in terms of landscape impact.

### 6.3.2 Biodiversity

Daytime inspection survey (internal and external), with two dusk emergence/activity observations were conducted on the bungalow in August and September 2018. Internal inspection found no live bats, or evidence of bats, but external survey found evidence with fresh bat droppings noted on the exterior wall at the south-eastern end of the bungalow. During the summer observations, a consistently low number of common pipistrelle bats were seen to emerge from the bungalow with the same pattern of behaviour during the two surveys: a single bat emerged at the north-west gable apex area and four bats at south-east gable, low, towards the front (west) slope. Only common pipistrelle bats emerged and no other species was recorded in the observation zone during survey.

When the nature conservation significance of the site is considered against recognised criteria, the nature conservation status of the site is assessed to be medium, due to the presence of what is likely to be a small maternity roost for a low number of common pipistrelle bats. The scale of the impact of the development will affect current roost locations, with a low risk of detrimental impacts to the conservation status at a local level, on the basis that the colony at this site is a small number of animals of a common and widespread species.

As bats are fully protected in British legislation, as well as their places of rest, for the development to proceed, the owner will, in addition to planning consent, need to obtain a European Protected Species licence from Natural Resources Wales prior to commencing any works for demolition of the bungalow, because such works will affect the current bat roost. A scheme of mitigation is proposed and can be conditioned so that the site continues to provide roost opportunities for the protected species currently present.

In consideration of this application, Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) 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 have been considered in consultation with NRW and the Council Biodiversity and Ecology Officers as follows:

(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.*

The replacement of the existing bungalow will provide additional housing for the local area as well as a financial contribution toward affordable housing. The development would add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

(ii) *There is no satisfactory alternative*

The 'do nothing' scenario has been considered and rejected as it leaves the applicant with an unsuitable property, the condition of which could steadily worsen. This approach would eventually give rise to dereliction, with loss of bat roosting habitats. The application is necessarily site specific.

(iii) *The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Based on the bat report submitted with the application, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. This is provided the report is included in the 'approved list of plans / documents' condition within the decision notice, should consent for the project be granted.

### 6.3.3 Water (including foul drainage / SuDS), Air, Soundscape & Light

The proposed development must comply with Welsh Government Legislation regarding sustainable drainage which strictly controls surface water run-off. To achieve compliance with Sustainable Drainage legislation the new dwellings will have rainwater harvesting systems to collect and store rainwater and make use of it to flush toilets and supply washing machines, as well as water gardens. There will be little if any water discharging to the ground and to soakaway. The driveway will be of a permeable surface to avoid run-off. The development will not be allowed to commence unless it can be demonstrated that the proposed drainage meets the requirements of the SuDS legislation.

## **6.4 Response to the Representations of Third Parties and the Community Council**

6.4.1 The issues raised by third parties in relation to compliance with LDP Policies, residential amenity, drainage, bats and highway safety is covered earlier in this report.

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

6.5.1 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.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following: S106

### Heads of Terms

Financial contribution towards the provision of affordable housing in the local area of £8,491 ((£120 x 122m<sup>2</sup>) x 58%).

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 No development hereby approved other than that associated with the proposed accesses shall commence until the access has been constructed in accordance with the approved plans.

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

4 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include traffic management measures, hours of work, measures to control dust, noise and construction related nuisances and measures required to protect adjoining users from the construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure the development is carried out in a safe and considerate manner in accordance with LDP Policies MV1 and EP1.

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

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

6 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

## **INFORMATIVES**

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

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk). This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to

locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

0 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).



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**Application Number:** DM/2020/01438

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

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

**Applicant:** Jones Bros c/o Agent

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

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 09.10.2020

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

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

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

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

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

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

#### **1.2 Value Added**

Extensive pre-application consultation and engagement has been undertaken to ensure the acceptability of the proposed development. This has included two meetings with the Council and the carrying out of the statutory pre-application consultation (PAC) process with the local

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

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

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

### 1.3 Proposal Description

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

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

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

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

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

## 2.0 RELEVANT PLANNING HISTORY (if any)

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

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

- S1 LDP The Spatial Distribution of New Housing Provision
- S4 LDP Affordable Housing Provision
- S12 LDP Efficient Resource Use and Flood Risk
- S13 LDP Landscape, Green Infrastructure and the Natural Environment
- S16 LDP Transport
- S17 LDP Place Making and Design
- SAH11 LDP Main Villages

### Development Management Policies

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

#### **4.0 NATIONAL PLANNING POLICY**

##### **Planning Policy Wales (PPW) Edition 10**

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

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

#### **5.0 REPRESENTATIONS**

##### **5.1 Consultation Replies**

###### **Goytre Fawr Community Council - Concerns raised:**

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

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

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

- i) The Pre-Application PAC Report, document reference 19.8140, does not adequately address points raised by the Community Council. Although mentioned in the PAC report it is not clear that the points have been properly considered. Evidence of proper consideration should be submitted before any permission is granted.

j) It is recommended that allocation of 'Affordable Dwelling' units should be weighted in favour of existing local community members.

k) With regard to County Council adoption of the street(s) after completion of the development, the criteria and timeline for adoption should be clearly defined as a condition of planning permission approval.

**Natural Resources Wales** - We recommend you should only grant planning permission if you attach the following conditions to the permission:

Condition 1: European Protected Species - Secure implementation of measures set out in section 5.2 (Bats) of the submitted Reptile and Bat Surveys.

Condition 2: European Protected Species - Lighting Plan is submitted and approved to ensure lighting details are agreed prior to installation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

External 'garden' noise levels:

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

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

Internal noise levels:

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

based on the report provided will potentially experience noise at night from the passing trains in excess of the guideline levels.

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

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

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

This application is to build 15 properties on Parcel A (south-west corner of the site). From Parcel A, it appears that 3 samples were taken (TP1, TP4 and TP8). The results of sampling were compared to a generic assessment criteria. Two samples showed elevated concentrations of a PAH (Dibenzo(ah)anthracene), and one sample was at the assessment level for the same PAH (0.24mg/kg). Of these three sample one exceedance was in Parcel A TP4 and one exceedance and the sample at the assessment criteria level was in Parcel B (TP18 and TP20).

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

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

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

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Six representations received. Object on the following grounds:

- Unacceptable excess noise, traffic and pollution whilst being built. The access roads Millbrook Court and Ty Gwyn Road are not able to cope with the increase in traffic that this development will produce and is definitely not suitable for heavy vehicles such as HGV and plant.
- Over-development of the area as a new estate is to be built locally in Mamhilad and therefore this proposal is not necessary and will result in a loss of green space.
- If the plan goes ahead, Ty Draw Lane should be open to traffic to and from the extension of Ty Gwyn Road, and therefore not all the increased traffic would not need to go through Millbrook Court.

- Loss another greenfield site and the impact upon the environment.
- Added volume of traffic through the estate and joining onto the A472 (especially mornings and evenings) which would be brought on by developing this site.
- The vision of an earlier Local Development Plan implies that people should live in a more inclusive environment with better access to local services, facilities and employment and a good public transport system, which all contributes to reduced usage and emissions from private vehicles. Little Mill has few such facilities.
- The times of the public transport through the village towards the major towns, employment and rail links of Pontypool, Cwmbran, Newport etc. do not cater for a normal working day.
- If permission is granted for 15 homes on half of the site and with the precedent set, then how much easier would it be to develop the rest of the site in future.
- The proposed development includes a mix that responds to 'local need'. What exactly is the local need within the village that requires another housing development?
- A housing development on the land off Ty Gwyn Road has been considered a number of times over the last thirty years. Each time it has been proposed it has met with local opposition. Many of the objections raised in the past are still relevant today.
- Ty Gwyn Road and Millbrook Court are narrow residential streets which already support a considerable amount of traffic. They are unsuited to providing access for construction traffic or the increased volume of traffic which would result from the proposed fifteen houses.
- Post-Covid if more people do work from home, on current evidence, there will be considerably more commercial vehicles making home deliveries thus adding to the traffic problem.
- MCC stress the importance of 'quality of life' and how the Covid-19 situation highlights the need for 'green spaces to health, well-being and recreation'. The proposed development would have a negative impact on the health and well-being of many village residents depriving them of open, green space and a site of significant biodiversity; and, exposing them to additional air and noise pollution.
- House sales on Ty Gwyn Road and Millbrook Court, especially of family-sized properties, are difficult to sell because of their proximity to the railway line. Lack of public transport, lack of facilities, lack of local employment opportunities etc. contribute to the difficulties of selling properties. Such points suggest that additional housing within the village is not needed.

Two general comments received:

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

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

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

of that property. Adequate space would therefore be required to allow future maintenance of the hedgerow.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### **6.1.1 Principle of Development**

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

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

The mix and tenure of the 60% affordable provision should be based on local housing need on a site-by-site basis.

While the provision of open market units is facilitated by the policy, the sole purposes of allocating these sites is to deliver affordable housing.

The normal approach of 'pepper-potting' affordable throughout a development is not required for these sites. Grouping the market housing to allow them to achieve their full potential is the best way to ensure financial subsidy for the affordable units is achieved.

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

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

#### **6.1.2 Good Design/ Place making**

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

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

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

In terms of open space, as a small allocated site, there is not a significant amount of public realm included within the development, as there is not capacity. However, the inclusion of street trees



and a footway adjacent to swales on the southern side of the highway will help to create a sense of place. Unfortunately, although the applicant has secured some control over the adjacent field, this area will continue to be grazed as agricultural land and it is not therefore possible to open up this land for use by the public or provide any footpath links.

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

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

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

The proposed design is considered acceptable in terms of layout, form, scale and materials and will not adversely affect wider visual amenity. As such, the development accords with the requirements of LDP Policy DES1 and PPW10.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

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

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

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

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

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

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

#### 6.1.4 Sustainable Management of Natural Resources

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

### 6.2 **Active and Social Places**

#### 6.2.1 Sustainable transport issues

The site, and Little Mill as a settlement, are not considered to be a particularly sustainable location as the area has few employment opportunities and amenities such as a school or doctor's surgery, and the area is reliant on transport to commute to facilities and amenities located in areas such as Usk, Pontypool, Cwmbran and further afield. However, in the County's context the village does benefit from public amenities and being relatively sustainable, the site was allocated for this form of development in the LDP.

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

#### 6.2.2 Access / Highway Safety

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

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

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

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

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

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

### 6.2.3 Recreational Spaces

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

## 6.3 **Productive and Enterprising Places**

### 6.3.1 Economic Development

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

## 6.4 **Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

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

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

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

### 6.4.2 Green Infrastructure

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

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

A comprehensive approach to green infrastructure, biodiversity enhancement and sustainable drainage has been presented as part of this planning application including permeable paving, planted rain gardens, swales and an infiltration basin within the scheme to facilitate as much infiltration as possible, but safeguarding with overflow. These features represent some of the key hard and soft landscape proposals within the development. In addition, wildlife friendly planting

and a variety of native and ornamental tree planting is proposed to be used to enhance the street scene. Native tree and understory planting will be used to create a landscape buffer around the residential development and the offsite drainage features. Existing boundary hedgerows and trees are to be retained.

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

#### 6.4.3 Biodiversity

A Preliminary Ecological Appraisal (PEA) and bat/reptile survey reports have been prepared by Acer Ecology and submitted as part of the application. Mitigation is included for bats, reptiles, nesting birds and other species. In accordance with Policy NE1 of the LDP and PPW10, various features and assets which encourage biodiversity will be incorporated into the development. This includes hedgerow protection and management, wildlife friendly planting, provision of bird boxes and provision bat boxes/bricks.

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

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

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

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

Finally, Planning Policy Wales (PPW) 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

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

#### 6.4.4 Flooding

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

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

#### 6.4.5 Water (including foul drainage / SuDS), Air, Soundscape & Light

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

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

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

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

In terms of foul drainage, a connection is proposed to the existing public foul sewer in Ty Gwyn Road (via the proposed pumping station for certain plots). The development therefore accords with LDP Policy EP5.

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

6.5.1 Concern was raised in relation to the tandem parking proposed for some of the dwellings. The Council's Highways Authority were consulted on the application and have not objected, nor raised any concerns regarding the parking layout. The proposed parking arrangement is therefore considered to be satisfactory in planning terms.

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

6.5.3 In relation to the inclusion of climate change mitigation measures such as heating assisted by ground / air heat pump, solar panels, etc., the development intends to promote energy

efficiency on site by adhering to the appropriate Building Regulations and Development Quality Requirements (DQR).

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

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

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

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

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

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

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

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

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

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

## **6.7 Conclusion**

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

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

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

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

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

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

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

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

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

### **Conditions:**

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

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

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

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

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".

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

The CEMP shall include the following as a minimum:

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

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

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

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

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



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

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

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

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

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

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

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

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

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

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

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

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

a. Purpose and objectives in relation to protection of reptiles;

b. Details of a revised receptor site detailed on plan demonstrating that the area can be protected throughout the development of the site and means of protection (fences) shown on plan.

c. Detailed working methods necessary to achieve stated objectives;

d. Thresholds and actions to be taken if the number of reptiles cannot be accommodated within the receptor habitat;

e. Clear and enforceable timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and

f. Persons responsible for implementing the works.

The Reptile Mitigation Strategy shall thereafter be implemented in full.

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

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

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

a. Trees and hedgerows

b. Green corridors

c. Rain gardens and swales

d. POS

b) Opportunities for enhancement to be incorporated

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

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

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

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

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

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

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

i) Ongoing monitoring and remedial measures.

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

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

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

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

11 Prior to commencement of any construction works (not including ground clearance and infrastructure provision) a detailed plan illustrating the biodiversity "net benefit features" to be integrated within the dwellings, based upon recommendations of "Land North of Little Mill Monmouth Reptile and Bat Surveys produced by Acer Ecology dated December 2020" shall be submitted. The plan must identify location, positioning and specification of the provision on elevation plans. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1.

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

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

13 A solid 1.8 metre height boundary fence to the rail side boundary of Plots 1-4 as shown in Plan (TBC) shall be provided prior to first occupation of the residential accommodation and retained as such in perpetuity.

REASON: In the interests of residential amenity in accordance with LDP Policy EP1.

## **INFORMATIVES**

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

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

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

4 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

5 Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at

<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-bodysab>. The SAB is granted a period of at least seven weeks to determine applications.

6 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

7 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

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

9 Please note that the hedgehog is protected under schedule 6 of the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to kill or capture wild hedgehogs, with certain methods listed. They are also listed under the Wild Mammals Protection Act (1996), which prohibits cruel treatment of hedgehogs. The Hedgehog is a Priority Species under Section 7 of the Environment (Wales) Act 2016 identified as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The hedgehog has also recently been listed on the IUCN red list as vulnerable (2020).

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/01/21

gan Paul Selby, BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13<sup>th</sup> January 2021

## Appeal Decision

Site visit made on 05/01/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13<sup>th</sup> January 2021

**Appeal Ref: APP/E6840/D/20/3263382**

**Site address: 30 Maple Avenue, Bulwark, Chepstow, NP16 5RG**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Samantha Hewitt against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/01062 dated 3 August 2020, was refused by notice dated 26 October 2020.
- The development proposed is described as follows: "We would like to move our boundary wall to include the plot of land to the left of our property as you look at the house from Maple Avenue, which is owned by us. We propose to remove the existing wall and erect a wooden fence of more than 1 meter but less than 2 meters in height along the far left hand side of our land, which would enclose the land from our rear boundary as far forward as the front wall of the house. We propose to erect a small fence of less than 0.5 meters in height around remaining of the land to prevent the public having direct access to our garden but ensuring vision is maintained at the T-junction between Maple Avenue and Orchard Avenue. The rationale for wanting to erect the new fence is that members of the public frequently (at least weekly) allow their dogs to defecate on our garden and do not clear this up. Local teenagers have at times used the land as a public space in the evening, running around on the land, shouting and screaming and throwing balls against our external wall of our house which has woken our 2 small children. Also, we have had an incidence of fly tipping, where a member of the public left waste on our land which the local authority removed as an incident of fly tipping. The land, when enclosed would be used for our private garden. We intend to leave the majority laid to lawn and put up a shed for our personal / domestic use. We would also like to put a window in our upstairs bathroom. The bathroom is located on the external wall of the property which is adjacent to the land detailed above on the Orchard Avenue side. The bathroom is sandwiched between the front bedroom and rear bedroom. The bathroom currently has no window and consequently suffers from no natural light and inadequate ventilation. The window would be made from UPVC double glazing, be no greater than 3ft tall X 4ft wide, would have an opening and be made from opaque glass. There are 2 existing trees on the land - these will be maintained and unaffected by the moving of the wall. The property currently has 2 off road / driveway parking spaces. These will be unaffected by the moving of the wall."

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the

development comprises the demolition of a wall and erection of fences. The Council dealt with the proposal on this basis and so shall I.

### **Main Issue**

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

### **Reasons**

4. The appeal relates to an end-of-terrace property occupying a position of relative prominence at the corner of Maple and Orchard Avenues. The immediate vicinity comprises dwellings of similar form, bounded by modest front, rear and side gardens.
5. A flat lawned strip accommodating two trees marks the appeal site's side boundary. The rear of this strip is marked by the property's driveway, the dwelling's flank wall, and a brick wall of moderate height which wraps around the rear garden. On the opposite side of the road junction, the dwelling and open, landscaped side boundary at No. 29 mirror those of the appeal site. Collectively Nos. 29 and 30 positively mark the entrance to Orchard Avenue, affording the junction a coherent and open appearance which contributes positively to the immediate area's sense of place.
6. The proposed fence abutting the Orchard Avenue footway would extend for a considerable distance from the dwelling's front elevation to the property's rear boundary. The exact height and solidity of this fence is not specified. Whilst such details could be secured via condition, I note that the fence would replace an existing brick wall of around eye height. In order to obtain adequate privacy to the property's rear and within the extended side garden, I consider it reasonable to assume that the appellant would intend for the fence, for most of its length along Orchard Avenue, to be of similar height to the wall and predominantly solid in form.
7. That being the case, the considerable length of the proposed timber fence would present a visually impermeable barrier which would enclose the property from the footway, fundamentally detracting from the existing open character of this part of Orchard Avenue. The appearance of the fence as an austere and incongruous part of the street scene would be augmented by the corner plot siting and the evident contrast with the landscaped side boundary at No. 29. As the fence would be sited to the rear of the footway, there would be little opportunity to use boundary planting to soften its appearance, as I saw has been employed at other properties nearby.
8. I accept that boundary fences are prevalent within the wider area and my attention has been drawn to several, which I saw on my site visit. In my opinion these cited examples are not directly comparable to the appeal proposal, many fences being significantly shorter in length to that proposed and/or not sited directly adjacent to footways. Whilst some examples relate to corner plots, the immediate context of these nonetheless differs to the appeal site as they do not feature dwellings and landscaping of similar appearance on both sides of the junction. Moreover, in my opinion, where visually impermeable fences have been installed adjacent to footways, these do not set a desirable design precedent or contribute positively to the character of the area. I therefore afford these other examples limited weight and have proceeded to determine the appeal proposal based on its own merits.
9. The modest height and visual permeability of the proposed picket fence towards the front of the property would retain the open appearance of the northwest corner of the appeal site and would be acceptable as a result. However, it would not be logical to erect this picket fence independently of the higher fence proposed to the property's side and rear. I therefore consider the picket fence to be a holistic element of the

appeal scheme which is not easily severable from the other elements proposed. Consequently, and for the reasons given above, I conclude that the proposal as a whole would not accord with the objectives of policy DES1 of the Monmouthshire Local Development Plan, which amongst other things requires development proposals to contribute towards sense of place and to respect the existing form, siting and layout of its setting. I therefore conclude that the appeal should be dismissed.

10. In reaching my decision I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015 and consider that this decision would contribute towards the objective of building healthier communities and better environments.

*Paul Selby*

INSPECTOR

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