

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance  
on Wednesday, 8th June, 2022 at 2.00 pm**

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

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

County Councillor Paul Pavia attended the meeting by invitation of  
the Chair.

### **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
Denzil – John Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

None.

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

We elected County Councillor P. Murphy as Chair.

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

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

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

County Councillor S. McConnel declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2022/00460 as she is a friend and colleague of the applicant's partner. She took no part in the discussion and voting thereon.

County Councillor J. McKenna declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of agenda item 7.1 appeals decision in respect of Bentra Farmhouse, Pentre Road, Llangovan.

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

The minutes of the Planning Committee meeting dated 5<sup>th</sup> April 2022 were confirmed and signed by the Chair.

### **5. Chair's Announcement**

On behalf of the Planning Committee, the Chair thanked former County Councillor Ruth Edwards for her role as Planning Committee Chair. County Councillor Edwards had been the Chair of Planning Committee for many years guiding the Committee throughout this time.

The Chair also wished to thank former County Councillor Roger Harris for his role as opposition spokesperson on the Planning Committee Delegation Panel. Councillor Harris had supported the Planning Committee and the Delegation Panel for many years.

The Delegation Panel required a new opposition spokesperson. We resolved that County Councillor A. Webb would be the new opposition spokesperson.

### **6. Application DM/2022/00212 - Redevelopment of the existing King Henry VIII Secondary School Site, including construction of Abergavenny 3-19 School (Class D1) incorporating flying-start, nursery, lower school, upper school and 6th form educational provision; provision of open space including hard and soft informal social and play areas, multi-use games area, forest school areas, and sports pitch provision including grass / all-weather pitches; provision of plant building, highways, access, car parking, landscaping, green infrastructure, and drainage works; demolition of existing school buildings/structures; and all associated works. King Henry VIII Comprehensive School, Old Hereford Road, Abergavenny, NP7 6EP**

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

Mr. P. Hannay, Chair of Abergavenny Transition Town (ATT) had submitted a written statement in respect of the application which was read to the Planning Committee by a Planning Officer, as follows:

'Should the Committee elect to approve this project today, we would ask for the following firm conditions to be added to this approval.

#### 1. Active Travel issues

While some adjustments have been made to the original proposals for pedestrian / cyclist and vehicular movement at the eastern entrance as requested by various stakeholders, similar required and necessary adjustments have not been made at the western approach.

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Equally, improvements to active travel routes approaching the site from both east and west have not been taken on board as part of this once in a lifetime project. Conditions should be imposed to ensure these improvements are enacted if the proposed initial 30% increase in pupil cycling targets are to be taken seriously.

#### **2. Zero carbon energy performance**

While there is an outline commitment to monitoring energy performance of the new building in the McCann Strategic Energy statement, we would suggest a formal condition should be imposed so that any non-meeting of carbon targets should be corrected and adjusted by the contractor and the consultants at their cost. (It needs saying that material made available to the public to explain how the energy systems would work in the building are very opaque. We hope someone in Monmouthshire County Council has fully vetted all the proposals so that they meet best practice in meeting the Climate Emergency Monmouthshire County Council has signed up to.)

#### **3. Safeguarding**

Several stakeholders have raised serious safe-guarding issues in their informal submissions to this process. They have been inadequately answered. We suggest a condition should be to monitor and record all safeguarding incidents involving pupils in the lower school should be backed up by a commitment of sufficient resources to physically correct these inadequacies, should they occur as we expect they will.

#### **4. Stakeholder Consultation processes**

The Council and its officers in both planning and education will be aware of the considerable disquiet expressed in many public quarters about the conduct of public consultation on this project at every formal stage.

We would ask for a very thorough review within the next 12 months to be held on lessons to be learnt and then implemented for any future project of this scale and public importance. We would also ask that as the Council has no independent client-side architectural advice, that such scale of projects are, as a matter of course, submitted to the Design Commission for Wales' Design Review panel to plug that very serious gap in project monitoring.'

Mr. P. Sulley, the applicant's agent, had submitted a written statement in respect of the application which was read to the Planning Committee by a Planning Officer, as follows:

'As set out in the committee report, the site lies within the settlement boundary of Abergavenny on the site of the existing school and its associated car park and playing fields. The site therefore comprises brownfield land.

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The scheme involves the co-location of King Henry VIII School and Deri View Primary School on one site. The existing King Henry VIII School buildings were built in the 1960s/70s and are now tired and not fit for modern educational needs. The scheme will enable the existing Ysgol Gymraeg y Fenni, which has outgrown its current site, to relocate to the Deri View Primary School buildings and site, thus assisting in the continuation and growth in Welsh language primary school education provision in the north of Monmouthshire.

Extensive public engagement with stakeholders has been undertaken, far in excess of the minimum statutory requirements. This has included engagement by Monmouthshire County Council for a 6-week period in May and June 2020 which involved pupils, staff, governors, parents and the wider community and the scheme design was informed by the responses. Three public exhibitions were held in November 2021 which invited over 600 addresses and stakeholders, including those consulted by the Council in 2020, and again the scheme was revised to take into account comments received as appropriate.

The statutory PAC process was subsequently undertaken, again inviting the over 600 addresses and stakeholders, significantly more than the statutory minimum, and the scheme was again reviewed accordingly. Extensive pre-application discussions have been held with officers throughout the pre-application process and again comments received informed the design. Further, revised plans were submitted as part of the planning application in response to consultee comments received as part of the planning application. The application preparation has therefore been subject to, and informed by, significant engagement with stakeholders for a prolonged period of time and significantly more than the statutory requirements.

The siting and design of the proposed buildings have been informed by the landscape setting within which the site sits, utilising the existing topography maintaining as far as practicable the existing pitches for school use, minimising any visual impact and minimising the need for spoil removal, engineering operations and retaining structures to reduce the impact on the climate and avoid disruption to the wider community during the build phase.

The scheme proposes multiple clear and legible entrances to each school served from clearly defined pedestrian/cycle routes. The ability to drive east/west through the whole site has now been removed, creating a much safer environment for all users. An Active Travel route east west across the site has been included to aid pedestrian and cycle movement, and this is located to the south of the site. Two Toucan controlled crossings are proposed on Old Hereford Road which will further aid and encourage pedestrian and cycle access. A number of off-site Active Travel Measures, including on Pen y Pound and Old Hereford Road, are required to be undertaken by the Council under the Active Travel (Wales) Act which will further enhance pedestrian and cycle connectivity and the application is accompanied by a Travel Plan which will promote and seek modal shift away from journeys by the private car.

The new school building is being designed as a Net Zero Carbon Operational Energy School, which involves all energy used during the operation of the building being off-set

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by on-site renewable energy technology, achieved using photovoltaic solar panels. Electric vehicle charging infrastructure is being introduced to the site to encourage sustainable travel further in the community. Monitoring of Net Zero Carbon to see whether targets are being met is a condition of the Welsh Government funding so any degradation of equipment or failings in meeting these targets will need to be rectified. The design has adopted a fabric first approach, the building follows key design traits to maximise passive performance and the scheme is below benchmark targets for schools and is on course to pick up the exemplar BREEAM credits for energy. The scheme is providing over 280 new trees, circa 800 linear metres of hedgerow, substantial areas of grassland mix and nearly 1,300 new native mix transplants and whip planting. All of these matters assist in Monmouthshire County Council's role in seeking to tackle the Climate Emergency.

As set out in the committee report, there are no objections in relation to trees, placemaking, green infrastructure, landscape, ecology, drainage, design, flood risk, heritage, residential amenity, highways or noise from within the Council or external technical consultees, and this scheme will enhance the area and provide the best education for young people in Abergavenny for many years to come.

Members are therefore respectfully requested to approve the application in line with the officer's recommendation.'

The Development Services Manager responded as follows:

- Where applicable on site, active travel provision is being facilitated.
- The east-west link through the site is being provided already as part of the scheme. Outside of the site a consultant is working with the County Council regarding different options for improved school access for pedestrians and cyclists using Pen y Pound as well as other re-joining routes. This will be delivered alongside the school re-development.
- In terms of engagement, extensive consultation had been undertaken via the PAC process and through direct dialogue with the community, pupils and parents.
- The County Council has highlighted the requirement for the new school to have a net zero carbon operational energy status which is in line with Welsh Government strategy for public buildings.

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

- The new school will be a positive addition to Abergavenny.

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- The active travel east – west route will be three metres wide, will have CCTV and will be well lit. The applicant could consider providing some soft landscaping along this route.
- The school's senior management team is content with the safeguarding measures put in place.
- The importance of robust active travel access was re-iterated with the need to give priority to people travelling via bicycle and on foot and also targets to ensure that traffic is reduced with the new school. However, priority still seems to be for access for personal vehicles with large footprint given over to them. In response, it was noted that the active travel agenda is being driven with a view to improving those access points on Pen y Pound and Old Hereford Road which is in line with Welsh Government's Planning Policy Wales.
- The height of the mesh fences around the sports pitches are a standard height around 4m – 6m in height.
- The building will be covered in composite cladding in keeping with the net zero carbon agenda. The Council will be seeking to ensure that the cladding complies with current building regulations.

It was proposed by County Councillor J. Butler and seconded by County Councillor M. Powell that application DM/2022/00212 be approved subject to the conditions outlined in the report.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/00212 be approved subject to the conditions outlined in the report.

**7. Application DM/2019/00184 - Proposed Log Pod and composting toilet on stone base for tourism purposes, existing off street car parking and turning area to be surfaced in rolled stone, translocation of hedgerow to improve visibility to existing access. Old Park Cottage, Gethley Road, Parkhouse, Trellech**

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

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The local Member, County Councillor J. McKenna, also a Planning Committee Member, outlined the following points:

- Local residents had indicated that the land had been left to Gwent Wildlife Trust which had been sold off and had caused upset amongst residents.
- It was considered that the land had not been utilised for its intended purpose and it was now a civil matter rather than a Planning consideration.
- The local Member had wished for the land to remain as wildlife friendly as possible with minimal impact on the environment.
- The application is for one pod and it was considered that the application would not be detrimental to the environment nor add a significant amount of traffic to the highway.
- The entrance is located on a straight piece of road appearing safe to enter and exit the site.
- There are plans to remove 50 metres of the hedge which might affect habitat purposes. However, there is a replanting programme that will occur.
- The local Member is pleased with condition 11 within the report in which the height of the hedge will be retained to a minimum of 2.4m. This will also ensure that the pod is less visible from the highway. However, it was noted that the site will be more exposed during the winter months due to reduced foliage.
- Concern was expressed regarding how close the pod is to a neighbouring property with regard to noise pollution. However, it was acknowledged that the pod will only sleep two people with noise likely to be kept at a minimum.
- The owners do not live on site so there is a need to address excessive noise levels should this occur and address how the matter would be dealt with.
- There are no shower / hand washing facilities on site. Neither is there water on site for preparing food.
- Tourism should be encouraged within Monmouthshire.
- One pod is unlikely to have a large impact on the area. However, the local member expressed reservations should the site be expanded.

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

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- The scheme was originally for an amenity plot. However, it had been identified that this would not comply with Planning Policy. The applicant therefore changed the scheme to a glamping pod. Should the application be approved, a condition would be put in place to ensure that there would be a stay of no more than 28 days per calendar year per visitor.
- The hedge had been inspected by an ecologist. It was considered that the hedge should be retained in its current line as it provided privacy for nearby residents.
- Concern was expressed regarding the lack of water provision on the site. However, it was noted that the glampers would be aware of the lack of water provision on site and would bring their own water supply.

It was proposed by County Councillor B. Callard and seconded by County Councillor P. Murphy that application DM/2019/00184 be approved subject to the conditions outlined in the report and also subject to the roadside hedge adjacent to the access being retained but trimmed back to 0.9m high by 5m each side of the proposed access and also maintained as such in perpetuity. The applicant will indicate this on a plan before the decision is issued and the planning authority would refer to the plan in a revised condition.

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

In favour of the proposal	-	15
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00184 be approved subject to the conditions outlined in the report and also subject to the roadside hedge adjacent to the access being retained but trimmed back to 0.9m high by 5m each side of the proposed access and also maintained as such in perpetuity. The applicant will indicate this on a plan before the decision is issued and the planning authority would refer to the plan in a revised condition.

#### **8. Application DM/2019/01867 - Two new detached dwellings with associated garages, car parking, access driveways and landscaping. Land rear of Rosebrook, Watery Lane, Monmouth**

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

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



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- The applicant has to sign up to the Section 106 agreement before the permission is granted. The Section 106 monies are usually paid when the property has been completed.
- Details regarding surface run-off at the front of the development will require Natural Resources Wales (NRW) consent to discharge the water course. A sustainable drainage consent will also be required by the applicant.

It was proposed by County Councillor B. Callard and seconded by County Councillor A. Easson that application DM/2019/01867 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	16
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01867 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

#### **9. Application DM/2020/01288 - Application for retrospective approval of plant room, retaining wall, oil tank and garden shed as built. The Gables, Wainfield Lane, Gwehelog, Usk**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and that condition 3 be amended as follows:

- Within three months of the date of this permission details of the three bat and bird boxes, one to the front and two closest to the rear of the dwelling as shown on drawing LSC/01 A shall be submitted to and approved in writing by the local Planning Authority. The approved details should be implemented within three months of the approval and retained as such in perpetuity.

Ms. A.M. Smale, objecting to the application, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- Condition 1 of the officer's report asks the Committee to approve plans in the table below. However, there is no table in the report to be reviewed. Concern was expressed regarding which drawings were being asked to be approved and questioned whether the table had been published in sufficient time for due consideration.

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- The Local Government Planning Advisory Service states in relation to Planning Conditions 'does it form part of the application area?' A valid condition is only relevant to the red line within the development unless it is a Grampian condition. If it is outside of the red line it needs to form part of a Section 106 agreement.
- Condition 2 of the officer's report requires ecology work to be carried out on land that is outside the application red line. This condition is likely to be unenforceable.
- Monmouthshire's Planning Portal under the heading 'do I need SAB approval' defines construction work under Section 3 of the Floodwater Management Act 2012 as anything that covers land such as patios or drives as a structure for the purposes of SAB approval. The act applies to all work over 100 sq.m. The report of the application states that there is no new construction area under the concurrent application. However, it was considered to be untrue and if accepted would be a breach of the act. The applicant's drawing states that the area of construction work is 333 sq.m created by the unlawfully constructed retaining wall.
- The proposed drainage scheme is outside the red line so cannot be controlled via this planning permission.
- Engineering works proposed in the rear garden in close proximity to trees, with no tree survey or arboricultural method statement. It was considered that this needs to be rectified before the application is determined.
- The report of the application states that the proposed garage has an upper level for ancillary storage. A single storey garage with attic space or even a one and a half storey building would suffice.
- The proposed garage report states that the proposal is acceptable sitting alongside the host property. It was suggested that given none of the proposed elevations show any context, it would be difficult to judge the scale of the proposal and whether it is acceptable and in accordance with Policy DES1. It is essential that the existing house is drawn accurately on the proposed garage drawings in order for an informed decision to be made.
- The report refers to other ancillary garages on Wainfield Lane. The objector had carried out a detailed study and noted that these garages are not two-storey. A request was made for the Planning Committee to undertake its own site inspection to determine if the proposed scale is appropriate or whether a single storey garage with storage space in the attic would be a better solution.

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- Concern was expressed whether the proposed landscape scheme was sufficient given the decimation of the boundary hedgerow and the tree damage as a result of the unlawful construction work.
- Concern was expressed regarding the accuracy and legal validity of the application and the report of the application. The objector asked that these matters be referred to the Planning Committee's legal advisor to ensure the correct advice is being given to Members.
- There is no boundary dispute with Ty Cerrig.

In response, The Development Management Area Manager informed the Committee that:

- With regard to the phrase 'table below' in the condition, in this context it refers to the decision notice document and is a standard form of words of a planning condition. It is clear within the report which plans are being brought before the Committee.
- With regard to the red line and some of the ecological enhancements proposed, this matter was addressed in the Officer's presentation, hence the revision of the wording to Condition 3.
- SAB is a separate approving body of the Council and it is the applicant's responsibility to seek that consent.
- The site has been visited by the Council's Tree Officer. None of the trees are subject to individual or group tree preservation orders.
- A site inspection had been held on 7<sup>th</sup> June 2022.

Mr. S. Matthews, applicant, had submitted a written statement in respect of the application which was read to the Planning Committee by a Planning Officer, as follows:

'I would like to take this opportunity to clarify several points made in relation to the planning application submitted for retrospective planning. I would also like to apologise for not fully appreciating the need to apply for planning permission for the building of the plant room back in late 2016. As discussed with the planning officer, I believed that anything under 12sqm did not require planning permission, however I had not appreciated that this didn't apply to buildings at the front of a property. The points I would like to make against the objections are as follows.

Reference to 5.2.1 The Submission

- The residents of The Gables understand that planning permission should have been requested prior to the commencement of any building works as outlined

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above. Had we realised our error we would have submitted a planning application at that time.

- The Oak tree on the boundary of the properties was only discovered after the removal of the Conifers and Leylandii. It was suffering from strangulation by Ivy. Since the removal of the surrounding trees and Ivy, the Oak tree has flourished.

Ref: - 5.2.3 – comments in relation to the design of the buildings

- When the garage is built, and the hedgerow matures, the plant room will not be visible from the lane.

Ref: - 5.2.4 Residential Amenity

- To minimise the view of the plant room on neighbouring properties, and in preparation of further development to the property, a Beech Hedgerow was planted. This was selected by Ty-Gerrig and jointly planted with The Gables. Once fully mature, this should reach a height of between 3m-5m thus minimising the visual impact of any aspect of the plant room that can be seen.

Ref: - 5.2.6 Building regs and Environmental Health

- The new domestic flue location will be positioned further away from the boundary line original 1.8m, new position 6m and 4m higher.

Ref: - Biodiversity / Ecology

- A full landscaping plan has been submitted detailing all new trees planted.
- 2 National Trust ARUNDEL bat boxes have been installed to both the front and rear of the property. 7 bird boxes are housed throughout the property, many of which have / are being occupied during the nesting season.

We believe the case for objection by some residents of Wainfield Lane have no relevance to the development / enhancement of the property, especially given that each property is individualised with no set standard or finish to benchmark against.

Residents, including those of Ty-Gerrig, were very complimentary and supportive of the initial development to The Gables. At the time, the plant room was already built.

The development of the Gables is coming to completion, but we find ourselves in the unfortunate situation of battling to finalise, what we hope, will be a property that fully complements the other properties on Wainfield Lane. We hope that the Planning Committee are supportive of helping us finalise this development.'

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

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- With regard to applying separately for Sustainable Urban Drainage systems, it had been suggested that the overall floor area would be in excess of 100 sq.m which would require the need for separate approval from the County Council.

It was proposed by County Councillor B. Callard and seconded by County Councillor J. McKenna that application DM/2020/01288 be approved subject to the conditions outlined in the report and that condition 3 be amended as follows:

- Within three months of the date of this permission details of the three bat and bird boxes, one to the front and two closest to the rear of the dwelling as shown on drawing LSC/01 A shall be submitted to and approved in writing by the local Planning Authority. The approved details should be implemented within three months of the approval and retained as such in perpetuity.

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

In favour of the proposition	-	16
Against the proposition	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01288 be approved subject to the conditions outlined in the report and that condition 3 be amended as follows:

- Within three months of the date of this permission details of the three bat and bird boxes, one to the front and two closest to the rear of the dwelling as shown on drawing LSC/01 A shall be submitted to and approved in writing by the local Planning Authority. The approved details should be implemented within three months of the approval and retained as such in perpetuity.

#### **10. Application DM/2020/00933 - Detached double garage with storage space over. The Gables, Wainfield Lane, Gwehelog, Usk**

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

Ms. A.M. Smale, objecting to the application, had prepared a video recording which was presented to Planning Committee. The details of the objection are outlined in the previous planning application DM/2020/01288.

Mr. S. Matthews, applicant, had submitted a written statement in respect of the application which was read to the Planning Committee by a Planning Officer, as follows:

'I would like to take this opportunity to clarify several points made in relation to the planning application submitted for a double garage with storage space over as follows: -

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Ref: - 5.2.4 Residential Amenity

- We note the comments made in relation to the neighbour's view of the garage once built. However, we would like to point out that the vast majority of residents within the lane can see each other's garages. To minimise the view of our garage on neighbouring properties, and in preparation of the development to the property, a Beech Hedgerow was planted. This was selected by the residents of Ty-Gerrig and jointly planted with residents of The Gables. Once fully mature, this should reach a high of between 3m-5m thus minimising the visual impact of any aspect of the garage that can be seen.
- Unfortunately, the residents of Ty-Gerrig have recently cut at least 0.5 metres off the top of the hedgerow which now means that its growth will be minimised.
- The size of the garage has been designed to meet the needs of the owner. The property currently has no storage space due to the bedrooms being in the roof space. Whilst objections have been made about the height the building, the visual impact to neighbouring properties is minimised due to the topography of the land. There are also several other properties on Wainfield Lane with double height garages.

Ref: - Biodiversity / Ecology

- The hedgerow was chosen and initially purchased by the residents of Ty-Gerrig. It was noted that this is a slow growing hedgerow and would take several years before it reaches maturity.
- Further research by the residents of The Gables outlined that Beech hedging was not overly suitable for heavy clay or wet soil. Hornbeam hedging was purchased which is similar in appearance to Beech but more tolerant of clay soil to finish the hedgerow. This appears to be growing at a much faster pace.
- 2 National Trust ARUNDEL bat boxes have been installed on trees both the front and rear of the property. A further 7 bird boxes have also been installed.

Based on the information provided by the planning officer, we believe that the case for objection by some of the residents of Wainfield Lane have no relevance to the development / enhancement of the property, especially given the fact that each property is individualised with no set standard or finish to benchmark against.

The initial works to our property were carried out following full agreement with the residents of Ty-Gerrig, who were initially very supportive. Due to an unfortunate turn of events, this is no longer the case, and whilst the work on developing The Gables is coming to completion, we find ourselves in the unfortunate situation of battling to finalise what we hope will be a property that fully complements the other properties on Wainfield Lane.'

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

- The chimney for the flue will exit the via the garage roof.
- The validation requirements for the application are satisfied in terms of accurate scaled drawings received.
- The positioning of the oil tank will be determined via the Council's Building Control department or via an approved inspector from a building control function.

It was proposed by County Councillor J. McKenna and seconded by County Councillor M. Powell that application DM/2020/00933 be approved subject to the conditions outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00933 be approved subject to the conditions outlined in the report.

**11. Application DM/2021/00037 - Erection of one detached, two-storey house in part of garden with associated access and parking (Outline planning permission). Land To west of Stray Leaves, School Lane, The Narth, Monmouth**

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

The local Member for Mitchel Troy and Trellech United, also a Planning Committee Member, outlined the following points:

- There is sufficient space within the plot to accommodate an infill dwelling.
- A neighbour had expressed concern regarding access. However, there are three points of access onto the site.
- There is a mixture of dwellings within the cul-de-sac consisting of bungalows, dormer bungalows and two storey dwellings.

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- The local Member would like to see a sympathetic design with regard to the height of the dwelling. Therefore, consideration of a dormer style dwelling might be more preferable at this stage resulting in less visual impact on the cul-de-sac.

Mr. D. Lloyd, objection to the application, had submitted a written statement in respect of the application which was read to the Planning Committee by a Planning Officer, as follows:

'Outline approval is being sought for a five bedroomed detached house with double garage on a garden plot in The Narth, with all matters other than access reserved.

There are 2 major areas of concern.

#### Access

There are 3 points to note here:

1. You will have seen from the site visit on Tuesday that access to the site is very poor. There are several approaches to the proposed site, none of which is suitable for heavy construction traffic or indeed medium sized vehicles. Any attempt to bring material directly to the site will result in damage to property and boundaries.

The owners of Ty Gwyn which is on the road leading to the proposed development, recently successfully brought a legal case against one of the major courier companies for damage to hedges and walls by a large vehicle.

2. Once at the site, access via the private lane is very restricted with limited options for turning vehicles around, even a car. Access is needed for emergency vehicles due to an elderly resident.  
Any construction traffic must be located on the site itself. At no time should the private lane be blocked
3. The proposed access, driveway and turning circle for the development is directly opposite the master bedroom of Lindsey, a single storey bungalow. The dimensions and scale of the house suggests likely occupation by a family with several cars and therefore traffic in and out throughout the day and evenings. This will have a severe impact on the wellbeing of the residents of Lindsey.

Any construction management plans need to include a stipulation that large deliveries must be made elsewhere, decanted and transported to site via suitable sized vehicle.

#### Dimensions

The maximum dimensions on this outline application mean that the proposed dwelling will have a dominant and overbearing impact on the bungalow "Lindsey" as well as being detrimental to the amenity, space, light pollution and privacy for Lindsey and all



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neighbouring properties as outlined in policy EP1. This can only truly be appreciated from the site itself.

Nearby comparable sized properties, at Worcester House and Beaufort House do not overlook any other properties.

There is an outstanding question relating to the siting of the drainage field in relation to the proposed dwelling. Building Regulations say drainage fields should be a minimum of 10 metres away from buildings or other drainage sites, the latest drawings show 7 metres. The approval of the maximum dimensions will have a bearing on this.

If the maximum dimensions of the proposed dwelling were reduced, this could potentially allow for a different access which will not be as intrusive on the residents of Lindsey.

The final point to note is that maintenance of the private lane is the responsibility of the current residents, but it is in fact owned by a third party. No documentation is available online to indicate any attempt to notify this third party of the proposal and seek their permission for additional access over the lane.'

Mr. G. Price, the applicant's agent, had submitted a written statement in respect of the application which was read to the Planning Committee by a Planning Officer, as follows:

'Thank you for the opportunity to submit this short statement in support of the above application for outline planning permission.

The planning application was submitted following a pre-application enquiry for two houses on the site. The Council's officers advised that an application for two houses would not be acceptable. However, an application for one house which met National and Local Planning Policies would be supported.

This application meets all relevant policies including those relating to phosphate discharge including updates which did not come into effect until after the submission of this application.

David Wong's Committee Report clearly explains the application and how it complies with Planning Policy, the report also addresses to objections submitted by Trellech United Community Council and neighbours.

I do not consider it necessary to repeat the points that Mr Wong has covered. However, I would like to clarify two points.

Firstly, regarding the leylandii hedge along the southern boundary. The application proposes removing the leylandii and replacing it with an indigenous hedgerow. This will increase biodiversity and remove the physical stress that the unbridled leylandii places upon the existing broad leaf trees.

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Secondly, a late objection from a neighbour alleges that the proposed private foul drainage scheme does not satisfy Building Regulations in so far as it does not comply with Approved Document H2. The Approved Document states that as an alternative approach, the requirements can be met by following the recommendations of British Standard 6297, I can confirm that the drainage system has been designed within the parameters of the British Standard rather than the Approved Document.

In conclusion, the proposal complies with all of the Council's planning policies and I ask the Committee to approve the application.'

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

- Members were reminded that this application was for outline approval only at this stage. The appearance and layout of the proposed dwelling would be addressed at the reserved matters stage while the means of access and scale of the dwelling were to be considered at this outline stage.
- The Construction Traffic Management Plan will be consulted with the Highways Department for a detailed and professional view to ensure that neighbours or emergency vehicles are not prejudiced.
- Amend condition 9, whereby the upper and lower scale parameters for the height of the dwelling be 8m upper and 4m lower.

It was proposed by County Councillor A. Easson and seconded by County Councillor J. Bond that application DM/2021/00037 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement and that Condition 9 be amended as follows:

- The upper and lower scale parameters for the height of the dwelling be 8m upper and 4m lower.

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

In favour of the proposal	-	15
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/00037 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement and that Condition 9 be amended as follows:

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- The upper and lower scale parameters for the height of the dwelling be 8m upper and 4m lower.

12. **Application DM/2021/00340 - General purpose agricultural building (livestock housing and storage of machinery and fodder). Land to the north-east of Ty Freeman Road, Gwehelog, Monmouthshire**

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

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

- Natural Resources Wales (NRW) has been consulted and is content that the manure management plan is an acceptable way of discharging from the site and there will be no adverse increase in phosphates that would be detrimental to the surrounding area.
- This extension is acceptable with its form and scale not being too excessive on the site.

It was proposed by County Councillor M. Powell and seconded by County Councillor A. Eason that application DM/2021/00340 be approved subject to the conditions outlined in the report.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/00340 be approved subject to the conditions outlined in the report.

13. **Application DM/2021/00961 - Construction of agricultural fruit store/eco building, with compost toilet and solar panels. Land near Gwehelog Common, Gwehelog Fawr, Usk, NP15 1RE**

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

- Condition 4 be removed.
- Add an additional condition to comply with section 6.2 of the ecology appraisal.

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Mr. R. Cole, objecting and representing other objectors to the application, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The objectors do not agree with the report of the application and consider that refusal of the application should have been recommended.
- A new building of this size and for this use in open countryside is unjustified when the Council's policy and Government policy is that any approval should be for exceptional reasons and emphasises the use of existing buildings.
- The size of the building is disproportionate to the output of only about two acres of young fruit trees.
- It is reasonable to expect all the processing of the produce of a small orchard to be carried out elsewhere.
- The job creation element of the application would be unaffected and the scope for further development might be increased. The applicant has indicated that he may wish to use the building for other purposes such as brewing. Objectors are concerned that the approval of the fruit shed is interpreted as encouraging his expectations of further approvals that will justify the substantial costs of this building.
- The access track to this site is not in the applicant's ownership. Therefore, compliance with the recommended Condition 4 would require the consent of other parties, a requirement flouted without planning permission by the stripping and resurfacing of a grassy track with a layer of scalplings undertaken recently.
- The objectors asked that the Planning Committee decision be deferred until uncertainties regarding access matters can be fully considered. A letter has been sent to the Council regarding this matter.
- However, if the Planning Committee is minded to approve the application, the objectors asked that two conditions be amended, as follows:
  - Condition 3 should end as 'and no fruit beer or other product ingredients shall be imported to the site and no retailing should be undertaken at the site'. The reason for the condition to be amended to ensure that no retailing takes place as well as no industrial uses.

This would minimise ambiguity and reassure objectors that the Planning Authority has full control over any changes of use of the building.

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- That Condition 4 should require the hard surfacing of the access track to be fully carried out prior to starting the construction of the building. The recent soft surfacing is unlikely to cope with construction traffic.

In response, the Development Management Area Manager informed the Committee that officer advice is that Condition 4 be removed. In terms of the proposed amendment to Condition 3, the condition has been drafted clearly outlining the exclusive uses of the building. Anything outside of the wording of this condition would require a subsequent application to be presented to Planning Committee.

The use of the building is controlled via Condition 3. Use of land for agricultural purposes is not development. Therefore, could be used for agriculture. However, the nature of the development building is serving produce that has been produced from the site and falls within that remit.

Mr. T. Newman, applicant, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The applicant is one of Wales' craft brewer consultants and is looking for ways to environmentally and sustainably produce beer, going forward.
- The applicant has looked at the process of brewing with a view to reducing the environmental impact. This integrates with Monmouthshire's natural resources and ability for agricultural and fruit growing to blend crushed fruit in with the brewing process which allows for a locally produced product with the secondary part of the process creating a fruit beer which could be developed sustainably within Monmouthshire.
- The applicant has worked with the Planning Department to find a suitable base for an orchard having followed pre-planning advice. The applicant looked for an integrated design that allowed for the right height footprint to fit the required vessels to store the fruit crush.
- A base was required also to have a guided and sustainable footprint in keeping with the surrounding area. Pre-planning advice was sought before submitting the full planning application. The applicant chose a sympathetic, environmental and sustainable design that allowed for ground source heating solar power and off-grid operation.
- The application integrates process, building design and sustainability. The applicant is looking to create a community-based environment involving community farms. Recycling of waste produce to local farmers is anticipated as well as integrating some of the local community for the harvest season in September.

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

- A waste management plan condition could be applied to the application.
- Concern was expressed that the size of the proposed building might be too large and not proportionate to business. In response, it was noted that the building with the proposed height for the tanks is proportionate. The size of the proposed building does not cause harm to the landscape in the wider rural setting.
- Any work undertaken on the access track sits outside of the boundary of the application and therefore does not form part of this application.
- The work undertaken has only recently been identified. Planning officers would need to investigate whether it is development that requires planning consent. If so, it will go through the planning application process.

It was proposed by County Councillor J. Bond and seconded by County Councillor A. Easson that we be minded to defer consideration of application DM/2021/00961 for the following further information:

- Details of a Waste Management Plan.
- Justification for the size of the building and hard standing.
- Details relating to the potential for bringing fruit into the site from elsewhere.

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

For deferral	-	13
Against deferral	-	3
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2021/00961 for the following further information:

- Details of a Waste Management Plan.
- Justification for the size of the building and hard standing.
- Details relating to the potential for bringing fruit into the site from elsewhere.

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**14. Application DM/2021/01693 - Demolition of existing dwelling and erection of a replacement dwelling and an additional dwelling. Overdale, 1 St Lawrence Road, Chepstow, NP16 5BJ**

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

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

- The demolition of the derelict house is welcome. However, objectors are asking for the new development that replaces the existing property uses the same footprint and is of similar form, character, size and scale.
- It was considered that the application is not a simple like for like replacement. The development footprint is larger than the existing property, the orientation differs with a 90° shift which is at odds with the houses located on St. Lawrence Road. In addition to this change, the applicant wants to build a further four bedroomed dwelling to the rear of the replacement property.
- The local Member considers that the application is significant infill. It impacts on the local ecology, as well as impacting on the loss of amenity for several residents due to additional car movements, associated pollutions in relation to noise, light and air. All of this occurring on one of the most challenging stretches of road in the County which abuts an air quality management zone.
- Residents have raised considerable concerns, outlined in the report of the application, which have caused considerable local anxiety.
- Regarding the replacement dwelling, residents have serious concerns regarding the report of the application, namely, 6.13, which related to the replacement dwelling being orientated 90° and would not be front facing. This will produce a fundamentally different outlook in relation to the houses located along that street. The replacement will be visually incongruous.
- The creation of an additional dwelling to the rear of the plot is the most concerning aspect of the application as it is considered to be overdevelopment of the site and unjustified.
- This element of the application will impact residents to the side and rear of the plot. If approved, residents' will be impacted by overlooking, loss of privacy, traffic disturbance, affected by additional vehicle movements and associated air, noise and light pollution.

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- Residents question 6.1.5 of the report regarding how the erection of a new dwelling in a space that was a garden will enhance the local character.
- The local Member disagrees that this is one of the most sustainable sites within the County.
- In 2019 the Authority called a climate emergency. It was considered that to approve this application goes against the Authority's calling of a climate emergency.

In response, the Development Management Area Manager informed the Committee, as follows:

- With regard to air quality management, this is one additional dwelling. The Environmental Health department has been consulted and raises no objections.
- With regard to light and noise pollution, the adjacent property is separated by a fence and there is a garage on the other side. Therefore, noise and light pollution will be minimal in terms of the impact of the adjacent property. Additional tree planting will be undertaken to the rear of the property with a view to protecting the amenity of neighbouring properties. As this is only one property, there will be limited car movements to and from that property during the day.
- In terms of design, it differs slightly to the other neighbouring properties but is not out of context with the design and scale positioning of the buildings along the street scene. The application is not incongruous in terms of design materials and the scale is acceptable. There is a substantial tree in the front garden that will help soften the impact of the dwelling.
- The density of development is similar in that location. The building at the rear of the property is well screened from the front elevation.

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

- The Highways Department has not raised any concerns regarding vehicle turning on site. Highways and parking arrangements are therefore acceptable.
- A garage is proposed at the rear property.
- The roof tiles will be concrete. Samples of materials can be conditioned.



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- The orientation of the replacement dwelling remains front to back, is more linear in its form and is slightly narrower providing access to the side of the property to the property at the rear.
- In due course, the Tree Officer could be asked to consider putting a tree preservation order on the trees at the site. However, the trees lie outside the Conservation area and are not currently protected but they are to be retained as part of the planning application.
- The Highways department has not raised objections but has requested passing places. However, Planning officers had made the recommendation to approve the application despite these concerns as the length of the driveway is linear in form and the number of traffic movements to and from the rear property will be limited.
- The root protection zones of the trees will be maintained and protected throughout any demolition or construction.
- Within the framework of the replacement Local Development Plan officers are looking at increasing our energy efficiency.

The local Member summed up as follows:

- Highways concerns were reiterated given the plot's boundary and associated tree route infrastructure and it was considered that this would be difficult to achieve.
- No bat survey had been undertaken.
- The electricity pole to be removed supplies electricity to more than 20 properties. It has yet to be removed.
- Any new development should have regard to the character, form, scale, siting and layout of the neighbouring buildings that surround it. It was considered that the plans and the application conflict in this regard.

In response, the Development Management Area Manager informed the Committee, as follows:

- The electricity pole still remains. However, it has been confirmed that the cables have been put under ground. The removal of the pole is a separate matter for neighbours to deal with the electricity company.

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- The ecologist considers that the assessments were sufficient and the net benefit was acceptable.

It was proposed by County Councillor A. Easson and seconded by County Councillor M. Powell that application DM/2021/01693 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	12
Against approval	-	2
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2021/01693 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

**15. Application DM/2022/00460 - Modification of condition 1 (Restriction To Opening Times) for planning decision DC/2014/00314. Gemma Thomas Hair Lounge, New Inn Cottage, The Cutting, Llanfoist Abergavenny**

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

The local Member for Llanfoist & Govilon, also a Planning Committee Member, expressed his support for the application.

In noting the detail of the application, it was proposed by County Councillor A. Easson and seconded by County Councillor F. Bromfield that application DM/2022/00460 be approved subject to the conditions outlined in the report.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/00460 be approved subject to the conditions outlined in the report.

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

#### 16.1. **Bentra Farmhouse, Pentre Road, Llangovan**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Bentra Farmhouse, Pentre Road, Llangovan on 1<sup>st</sup> March 2022.

We noted that the appeal had been allowed and the planning permission Reference DM/2020/01805 to 'replace existing Juliet balcony with timber / glass balcony' at Bentra Farmhouse, Pentre Road, Llangovan, NP25 4BU, granted on 7 April 2021 by Monmouthshire County Council, is varied by deleting condition No 3.

#### 16.2. **Little Hervells Court (also known as Envy), Chepstow**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 5 Little Hervells Court (also known as Envy), Chepstow on 21<sup>st</sup> November 2021.

We noted that the appeal had been dismissed and the listed building enforcement notice (LBEN) was upheld.

### 17. New Appeals Received 1st January 2022 to 27th May 2022

We noted the new appeals received by the Planning Department for the period 1<sup>st</sup> January to 27<sup>th</sup> May 2022.

**The meeting ended at 7.18 pm.**