

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday 27th May 2022

Notice of meeting:

Planning Committee

Wednesday, 8th June, 2022 at 2.00 pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and
remote attendance

AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
6.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
6.1.	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.	15 - 28
6.2.	Application DM/2019/01867 - Two new detached dwellings with associated garages, car parking, access driveways and landscaping. Land rear of Rosebrook, Watery Lane, Monmouth.	29 - 54
6.3.	Application DM/2020/00933 - Detached double garage with storage space over. The Gables, Wainfield Lane, Gwehelog, Usk.	55 - 64
6.4.	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.	65 - 74

6.5.	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.	75 - 84
6.6.	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.	85 - 96
6.7.	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.	97 - 108
6.8.	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.	109 - 124
6.9.	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.	125 - 154
6.10.	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.	155 - 160
7.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
7.1.	Bentra Farmhouse, Pentre Road, Llangovan.	161 - 164
7.2.	Little Hervells Court (also known as Envy), Chepstow.	165 - 168
8.	New Appeals Received 1st January 2022 to 27th May 2022.	169 - 170

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

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

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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 (12 noon Monday 6th June 2022). 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.

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Planning policy context

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

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

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

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

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

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

Supplementary Planning Guidance (SPG):

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

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

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

National Planning Policy

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

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

Other matters

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

Planning (Wales) Act 2015

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

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Climate Emergency

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

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

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

Protocol on Public Speaking at Planning Committee

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

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. 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 5

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Tuesday, 5th April, 2022 at 2.00 pm

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

County Councillors: J. Becker, L. Brown, A. Easson, D. Evans, R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell, A. Webb and S. Woodhouse

County Councillors P. Pavia and V. Smith 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
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

County Councillor R. Harris joined the meeting during consideration of application DM/2019/00800. He therefore took no part in the discussion and abstained from voting.

County Councillor S. Woodhouse joined the meeting during consideration of application DM/2020/01495. She therefore took no part in the discussion and abstained from voting.

APOLOGIES:

County Councillor A. Davies

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st March 2022 were confirmed and signed by the Chair.

3. 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

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

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- The construction of two dwellings at this site does not constitute infill development as it is not a small gap between existing dwellings and therefore the development would be contrary to Policy H3 of the Monmouthshire Local Development Plan.

The application had been approved by Planning Committee on 2nd February 2021. The consent was for the demolition of an existing bungalow with outbuildings and the erection of the two detached dwellings. The decision was subsequently subject to a Judicial Review by a local resident, the single ground of challenge to the grant of the permission being that part of the officer's report was substantially misleading in relation to foul drainage, in that there is guidance within approved document H2 that suggests that drainage fields should be at least 15 metres from a building. If that had been applied in this case, the effect would be that each of the proposed drainage fields would be required to be five metres further away from Ty Cwtch and from the proposed buildings.

The judge had concluded the following:

"Reading the officer's report as a whole, which incorporated a previous report, the concerns in relation to foul drainage from objectors and the local community council are noted and these include references to the history of drainage issues in the area and to the site being predominantly on clay. In dealing with amenity, the report deals only with visual amenity and privacy. In my judgment, by not referring to the Circular or the Approved Document H2, the members, even as informed readers, are likely to have been left with the impression that as the building control officers were satisfied that the drainage proposals satisfied the requirements of the 2010 Regulations, that was the end of the matter in respect of such proposals. In the planning context, in my judgment, it was not. To leave it there without fully dealing with the adequacy of the drainage proposals in that context was in my judgment significantly misleading".

On this basis, the decision was quashed and therefore the application is re-presented to the Planning Committee for consideration. The Local Planning Authority has conducted a complete re-appraisal of the development proposal in light of this judgement and conducted further consultation in the form of the erection of a site notice at the site and consultation with the local community council, neighbouring parties and statutory consultees.

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

- The local Member had spoken against this application at previous Planning Committee meetings and is now pleased that officers are now recommending refusal of the application.
- Infill on the site has already occurred with the development of Ty Cwtch, with no further room within the site for an additional infill dwelling.
- The current proposal does not comply with Planning Policy H3.

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- Ty Cwtch's ridge is higher than originally proposed. The proposed development was proposing an even higher ridge than Ty Cwtch.
- The current development is already prominent in the landscape and the proposed two dwellings would be higher than Ty Cwtch and prominent in the landscape.
- There are no mitigating factors that support the proposal for two large houses on the site.
- The local Member asked that the Planning Committee considers refusal of the application in line with the planning officer's recommendation.

Ms. L. Young, objecting to the application, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- The objector welcomes the officer recommendation for refusal as the proposal does not comply with the local plan infill policy.
- Homestead has already had an infill plot which is now called Ty Cwtch.
- Local residents have argued that adding more large houses onto the site cannot comply with the infill policy as it is not filling a small gap between existing dwellings.
- Should the Planning Committee support the officer recommendation for refusal, the applicant will still be able to go to appeal so that an independent inspector could have the final say in respect of this matter.
- Should the proposal go to an appeal, local residents would support Monmouthshire County Council in fighting against the scheme but would also oppose the two dwellings for reasons other than just the infill policy.
- The objector expressed disappointment that the officer's report did not acknowledge and include further reasons for refusal such as landscape harm with both proposed dwellings being taller than Ty Cwtch and being on the crest of a hill.
- Officers have apologised for the height of Ty Cwtch which had been approved under delegated powers. Assurances had been made to local residents that this issue would not happen again.
- Disappointment was also expressed that the officer report did not recognise the drainage problems that would result if the properties were built.
- The site is too small to accommodate sufficient parking provision with no adequate turning space.

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- There is too little land available to deal with foul drainage which will not meet building regulations, which was the reason for the judicial review. Lack of foul drainage also means there is no room to provide landscaping.
- For all of the reasons mentioned, the objector strongly supports the officer's recommendation for refusal of the application.

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

'The Officers' Report is a shameful capitulation, and it is obvious the Council fear legal action from disgruntled neighbours, rather than an appeal by the applicants. Councillors should question why, on two previous occasions, the Application has been recommended for approval and voted in favour with unanimous decisions on both occasions. H3 Policy is complied with, as was Approved Appeal Ref: APP/E6840/A/12/2174137 on the site opposite Homestead, Luxfield Ref: DC/2011/00977. The Council have also debated and approved a similar site at The North Ref: DM/2019/00280. Demolition of one property and replacement with two dwellings. The previous report prepared by officers makes it quite clear that: In Minor Villages Planning Permission will be granted for minor infill of no more than one or two dwellings, from the filling in of a small gap between existing dwellings or residential development. Following the Judicial Review, the Judge found no issue with the Proposal: Para: 32 of the judgement gives officers the opportunity to fill in the gaps identified by the judge and approve the proposal. Councillors are duty bound to question officers why the report is a complete turnaround from a cast iron approval to refusal. The Council have a responsibility to treat this application with due care and diligence competence, honest and integrity. My clients have complied fully with all requests for additional information from Council officers and have complied fully with Council Policy. When my clients attended the community council meeting, it was agreed that there were no further objections to the proposal. The objecting neighbour just wanted the drainage to work, this has been scrutinised by Building Control and Natural Resources Wales (NRW) on two separate occasions and approved the application has received full approval from Council Members previously. My clients are a young family with two children, who are desperately trying to make a life for themselves in Gwehelog; in a similar way to other families in the immediate area, who have constructed and live in new in-fill properties. The application, as presented by officers, clearly identifies the judge's concerns, and the sole reason for the permission being quashed in relation to drainage has been dealt with. This application has been vetted and scrutinised by neighbours and the community council on more than four occasions, and it beggars belief that the community council still regurgitate objections from three years ago, which have little or no relevance. My clients have been in direct contact with Craig O'Connor and Andrew Jones, who informed them that it was a bullet proof application. I would request that Council Members overturn the recommendation of officers and again approve this application. It is your democratic duty to question the complete turnaround by your officers. A refusal is unacceptable when you consider the scheme has been fully supported by officers and Members during the past four years, with no concerns

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raised regarding the H3 Policy. Following the Judicial Review decision, we met with Planning officers and Monmouthshire Legal Team. It was agreed that the application for two houses was acceptable and it was a robust application. We had to deal with the new phosphate drainage issues, which had arisen in the intervening period, which we did, and this was approved by NRW. At no point was the H3 Policy mentioned during the Judicial Review process. The threat by neighbours for another Judicial Review is always going to be the case, but by refusing and passing the responsibility on to the Welsh Assembly, by way of an appeal, is a complete dereliction of duty, with a decision potentially being made for financial reasons alone. My clients deserve equality and respect, so please determine this application on its merits as you have done so previously and approve the application.

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

- Members expressed sympathy for the applicant. However, it would be difficult to go against the ruling of a judicial review and the views that had been expressed regarding infill of the site.
- The judicial review related solely to the issue regarding foul drainage on the site.
- Planning officers had undertaken a full re-appraisal of the scheme with internal consultees.
- The scheme conflicts with Planning Policy H3.
- In addition to not complying with Policy H3, a Member considered that the application also did not comply with Planning Policy DES1. However, the Head of Planning stated that officers had concluded that there is scope only for one reason for refusal for this application, namely Planning Policy H3.

It was proposed by County Councillor P. Jordan and seconded by County Councillor G. Howard that application DM/2019/00800 be refused for one reason as follows:

The construction of two dwellings at this site does not constitute infill development as it is not a small gap between existing dwellings and therefore the development would be contrary to Policy H3 of the Monmouthshire Local Development Plan.

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

For refusal	-	8
Against refusal	-	2
Abstentions	-	1

The proposition was carried.

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We resolved that application DM/2019/00800 be refused for one reason as follows:

The construction of two dwellings at this site does not constitute infill development as it is not a small gap between existing dwellings and therefore the development would be contrary to Policy H3 of the Monmouthshire Local Development Plan.

4. Application DM/2020/01495 - A new 4-bedroom dwelling on land adjacent to The Royal George Hotel. Land to the west of the Royal George Hotel, Forge Road, Tintern

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 Agreement.

This application had been presented to Planning Committee on 1st March 2022 for consideration. However, the Committee had been minded to defer consideration of the application to allow officers to negotiate with the applicant with a view to identifying the number of parking spaces available and where they will be located on the site. The application is therefore re-presented to Committee for consideration.

The local Member for St. Arvans, also a Planning Committee, outlined the following points:

- Tintern Community Council's objections to the application have made the Press. Details of which were read to the Committee.
- Community Council's comments should be taken into consideration when determining planning applications.
- The local Member is representing the strong feelings of local residents who object to the application. In particular, the issues regarding the parking arrangements on the hotel site and the concerns raised regarding lack of parking provision.
- Nearby car parks are often full at weekends and during the week which are used by walkers and tourists on a regular basis. Tourism is adversely affected in Tintern due to the lack of parking provision in the village generally. Tintern is the most popular tourist venue in the County.
- Photographs have been submitted to support the parking issues.
- The local Member cannot equate the parking spaces with the numbers required for day visitors, residents and staff.
- The owners wish to live on the site and manage the hotel.
- Concern was expressed regarding the agent's comments.

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- If the application was approved, a further condition was requested that the new property be tied to the hotel and not treated as a separate application.
- Forge Road is narrow with a small pavement. Emergency vehicles would have difficulty accessing this route. The parking issue has not been resolved and no internal site visit has taken place.
- The local Member does not accept the officer's recommendation as outlined in the report and asked that the Committee consider refusal of the application.

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

- The area containing the 12 parking spaces is owned by the applicant, the hotel owners.
- Parking provision provided with the proposed development would be for the sole use of the occupiers of the house and not for use by the hotel.
- The car parking plan for the hotel and chalet accommodations is sufficient for the use of the hotel with the addition of the dwelling as outlined in the report. The Highways department has also confirmed that the car parking plan is compliant with appropriate guidelines. 34 parking spaces would be sufficient to provide 16/17 bedrooms and also provide three staff parking spaces. Additional parking can also serve the other functions such as the Coffee shop and the lounge bar eating area.
- A Member considered whether a hybrid parking standard should be applied in this case in view of the hotel's usage. In response, the Development Services Manager stated that this is an historic coaching inn with 34 spaces to serve the 16/17 bedrooms, some staff, the additional function of the restaurant and bar area and the coffee shop. In context, this is considered to be a reasonable proportion of parking provision for the type of building this is and the capacity that it has. There are other car parks in the area that could be used at peak times.
- In response to questions raised, it was noted that the Highways Department had seen the revised details from the agent and maintain no objection to the application on highways grounds which includes the parking provision at the front of the site.
- It was noted that Planning does not have the ability to prevent the separation of land. Therefore, it cannot be insisted upon that land be maintained for parking provision.
- The Development Services Manager informed the Committee that the Committee should look at the land for the proposed dwelling as an independent parcel of land in its own right, independent from the hotel.

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The local Member summed up by stating that she continued to have concerns regarding the parking provision on the site.

It was proposed by County Councillor A. Webb and seconded by County Councillor L. Brown that we be minded to refuse application DM/2020/01495 on the following grounds:

The construction of the proposed dwelling would remove an area historically used for parking for customers and staff of the hotel and its associated functions. Its loss for that purpose would be likely to lead to increased on-street parking in the locality on narrow lanes to the detriment of local amenity and highway safety and would be contrary to Policy DES1 d) of the Monmouthshire Local Development Plan.

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

For refusal	-	5
Against refusal	-	7
Abstentions	-	1

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor J. Becker that application DM/2020/01495 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

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

For approval	-	7
Against approval	-	5
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01495 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

5. Application DM/2021/01562 - Change of use from C3 (dwelling) to C4 (HMO). Plot 5, Lower Hardwick, Hardwick Hill, Chepstow

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

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

- Problems commonly associated with a House in Multiple Occupation (HMO) include damage to social cohesion with higher levels of transient residents and fewer long term households and established families.

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- Increases in anti-social behaviour, noise and other potentially associated crime.
- Reduction in the quality of the local environment and street scene due to increased litter refuse, fly tipping and increased levels of disrepair.
- A change of character in the area.
- Increased pressure on parking.
- A reduction in provision of community facilities for families and children.
- In 2017, Welsh Government conceded in its guidance on HMOs that due to the nature of HMOs, residents on low incomes and vulnerable groups are likely to be unrelated and they can be more intensive than single use households.
- Welsh Government has encouraged local authorities to move away from HMOs to more self-contained accommodation. The original applications for all the properties on this site were for family residential dwellings.
- More family accommodation is needed in Chepstow.
- The site already has access challenges in terms of accessing Hardwick Hill Lane off the A48 and into the site itself. Highways concerns have been highlighted by the Highways Department which includes parking stress that will be caused on adjacent streets if the application is approved.
- The application is for five bedrooms but there are only three parking spaces. Realistically, there will be more than three cars being parked in the driveway with significantly increased traffic movement in Hardwick Hill Lane.
- As there is no one way system along Hardwick Hill Lane, the challenges of ingress / egress car manoeuvres are extreme.
- The site is logistically impractical for this application as it will compromise highway safety.
- The application is located within an air quality management zone and the access point to Hardwick Hill Lane is opposite the diffusion tube which measures the levels of pollution in that area of the zone. This measuring point has the highest levels of nitrogen dioxide in the entire zone since the removal of the bridge tolls which has resulted in more traffic movement and more pollution.
- Monmouthshire County Council has called a climate emergency. Planning Policy has a significant role to play in assisting the Authority to deal with that critical incident warning.

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- The local Member enquired as to what consultation had been undertaken with Environmental Health and Welsh Government to oversee the management of the zone.
- Approval of this application would go against the management air quality zone and the calling of a climate emergency.

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

- Housing provision needs to be properly managed. A Member expressed concern that anti-social behaviour can occur within HMOs if not managed properly.
- HMOs also play a role for providing accommodation for professional people / key workers.
- It was considered that there are no material planning reasons to refuse this application.
- Concern was expressed that the proposed HMO would be run by a private landlord and not by a Registered Social Landlord (RSL).
- Concern was expressed as to whether the application did comply with Policy H9(d) due to parking provision at the site. The development is close to the junction with Hardwick Hill and traffic problems already exist at this location.
- In response, the Development Services Manager informed the Committee that the site is in walking / cycling distance to the centre of Chepstow town. Welsh Government emphasises the need not to rely on parking standards that would have been applied in the past at this location. Therefore, there is a strong case to argue that three parking spaces to serve up to six individuals living in the property is reasonable. The parking guidelines have been applied, in this case, in a sensible, proportionate and sustainable manner and would argue that the application does comply with Policy H9.
- In response to a question raised regarding the need for the installation of fire doors within a HMO, this matter would be addressed via Building Control with a view to approving building regulations at the property.
- It was noted that the Environmental Health department has not objected to the application. Approval of the application should not create any further impact than is already the permitted lawful use for the site, namely, a single household dwelling house.

The local Member summed up as follows:

- The property is currently a family dwelling and could be sold as such.

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- There are limited circumstances where HMOs can work in this Authority, for example, to deliver supported living arrangements for adults with learning disabilities or adults that require extra care. This could work due to the lack of car ownership.
- It was considered that this is not the right policy goal for housing in this area nor in the County.
- The application is not in the right location because of the limited traffic access with additional parking stress and air quality management issues that have been raised.
- It was considered that more than three cars would be required. There is no parking provision for visitors to the property.
- Air quality will be adversely affected should the application be approved.
- Should the application be approved, conditions should be considered to limit the number of rooms to three then living amenity and the area in relation to traffic and parking could be improved.

It was proposed by County Councillor J. Becker and seconded by County Councillor A. Webb that application DM/2021/01562 be approved subject to the conditions outlined in the report and that condition 4 be amended as follows:

The property shall not be occupied by more than six persons at any one time within use Class C4 (a House in Multiple Occupation).

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

For approval	-	11
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2021/01562 be approved subject to the conditions outlined in the report and that condition 4 be amended as follows:

The property shall not be occupied by more than six persons at any one time within use Class C4 (a House in Multiple Occupation).

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6. Application DM/2021/01623 - Change of use from C3 (dwelling) to C4 (HMO) for maximum of 6 no occupants. Little Hervells Court, 3 Hardwick Hill, Chepstow, NP16 5PT

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

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

- There is a different access point at the other side of Hardwick Hill onto Steep Street with the ingress / egress and parking challenges at this location.
- The Highways Department has objected to the application on highways safety grounds.
- To manage HMO development and prevent proliferation, authorities should not have HMOs 'sandwiched' together.

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

- The internal structure of the house would be subject to building regulations approval and is not a planning consideration.
- The proposed HMO would have a communal area consisting of a kitchen diner to be used by residents. There would also be a garden at the rear of the property for use by all residents.

The local Member summed up as follows:

- If the application is approved a condition could be added to limit the number of rooms which would improve living amenity and also limit the impact on the area in relation to traffic and parking provision.

It was proposed by County Councillor J. Higginson and seconded by County Councillor M. Powell that application DM/2021/01623 be approved subject to the conditions outlined in the report and that condition three be amended as follows:

The property shall not be occupied by more than six persons at any one time within use Class C4 (a House in Multiple Occupation).

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

For approval	-	10
Against approval	-	1
Abstentions	-	1

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The proposition was carried.

We resolved that application DM/2021/01623 be approved subject to the conditions outlined in the report and that condition three be amended as follows:

The property shall not be occupied by more than six persons at any one time within use Class C4 (a House in Multiple Occupation).

7. Application DM/2022/00241 - The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696. Land Development south of Crick Road, Crick Road, Portskewett

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and that an additional condition be added to ensure compliance with the submitted Construction Environment Management Plan (CEMP).

In noting the detail of the application, it was proposed by County Councillor J. Higginson and seconded by County Councillor D. Evans that application DM/2022/00241 be approved subject to the conditions outlined in the report and that an additional condition be added to ensure compliance with the submitted Construction Environment Management Plan (CEMP).

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/00241 be approved subject to the conditions outlined in the report and that an additional condition be added to ensure compliance with the submitted Construction Environment Management Plan (CEMP).

The meeting ended at 4.40 pm.

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Application Number: DM/2019/00184

Proposal: 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

Address: Old Park Cottage, Gethley Road, Parkhouse, Trellech

Applicant: Mr. David Powell

Plans: All Proposed Plans LogPod001 - Rev A, Site Plan - (showing new hedgerow), Location Plan - , Floor Plans - Proposed LogPod002 - Rev A, Drainage Composting Toilet Specification - KL1 Kazuba, Ecology Report Ecological and Protected Species Report Update' report by Swift Ecology, dated 20th January 2022 - , Ecology Report Appendix 3 - Hedgerow Removal Method Statement' of 'Ecological and Protected Species Report Update - Swift Ecology 20.01.2022, All Drawings/Plans Mitigation and Enhancement Plan dated 28/02/2022 - , Ecology Report Appendix 4 - Hedgerow Planting Scheme 'Ecological and Protected Species Report Update' Swift Ecology - dated 20th January 2022

RECOMMENDATION: Approve

Case Officer: Mr. Philip Thomas
Date Valid: 18.02.2019

This application is presented to Planning Committee following referral from the Delegation Panel - meeting dated 22nd April 2022

1.0 APPLICATION DETAILS

1.1 Site Description

The application for a tourism holiday pod, proposes a small camping pod that measures 2.8m in height, 2.7m width by 4.85m length; 1m is made up of an open fronted covered porch and its internal floor area is 3.85m long.

There would be double doors to the front and a small window to the rear. The pod is curved in design with a covered open-fronted area to the front of the pod, the proposed finish of the pod and toilet hut is sawn timber.

Accommodation would be minimal showing a double bed with little remaining space. A proposed compost toilet is accommodated in a separate pod of the same design but significantly smaller measuring 1.43m depth and 1.28 in width, height is 2.25m finished in birch plywood walls The proposed waterless toilet is designed to dehydrate and evaporate human waste, reducing up to 90% of waste.

The application site is long and narrow, the length of the site runs adjacent to the highway that is bounded by a mature hedgerow.

The only neighbouring property is Old Park Cottage which is situated opposite the access to the site, the site plan shows that the proposed pod and toilet is to be situated towards the northern part of the site adjacent to the existing open fronted shed. In relation to the neighbouring property whilst the access is broadly opposite the neighbour's access.

It is proposed to upgrade the existing access gate to be set back 2.4m, approximately 50m of hedgerow will be removed comprising two sections either side of the existing access gate, to

create a visibility splay with a grass verge. It is proposed to upgrade the existing off road car parking and turning area to rolled stone to prevent mud on the highway.

The supporting information states that the pod was for the family's own personal enjoyment, as this application originally came in as an amenity pod, but the use of the site as amenity land could not be supported under planning policy; as such, the applicants have amended the proposal to tourism accommodation.

It is proposed that the camping pod will be placed on a levelled stone base and will be sited there all year. The site is surrounded by mature trees to the north, west and south, the east boundary runs adjacent to the highway and is demarcated by a mature hedgerow. It is proposed that this can grow up to the required height to screen the development from the highway.

It is proposed to enhance the site from an ecological perspective with two Schwegler bird boxes (of differing hole size specification) and two bat boxes are installed on trees within the site boundary.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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	Pending Determination	
DM/2020/00311	Amenity use for leisure and recreational purposes.	Pending Consideration	
DC/2013/00762	Proposed single storey rear extension	Approved	05.11.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
S11 LDP Visitor Economy

Development Management Policies

LC1 LDP New Built Development in the Open Countryside
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
NE1 LDP Nature Conservation and Development
LC4 LDP Wye Valley AONB
GI1 LDP Green Infrastructure

Supplementary Planning Guidance

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Trellech United Community Council: Refuse

Although original application was for 'private use', the re-submission also mentions tourism. It does not comply with policy T2 on visitor accommodation outside settlements. Does not comply with policy LC1 on new built development in the open countryside. 'Moving' a mature hedge would not be an easy task. The hedge would be unlikely to survive, especially since the owner does not live on site.

Tintern Community Council: No objection

MCC Biodiversity: no objection subject to conditions

An updated Preliminary Ecological Appraisal has been submitted in the form of a letter report by Swift Ecology (dated 20th January 2022).

The report concludes that habitats at the site are broadly unchanged from when the site was previously surveyed in 2018. The only major change to the proposals involves the planting of a new species-rich hedgerow in lieu of translocating the original species-poor hedgerow, which should enhance the site over the long-term but could have negative short-term impacts on dormice and nesting birds.

Hazel Dormice

Approximately 50m of hedgerow will be removed in order to create a visibility splay. Previous proposals included translocating the existing hedgerow and therefore impacts upon dormice were considered negligible. However, with the removal of the existing eastern hedgerow, impacts on dormice have been reconsidered. The updated ecological appraisal found that the eastern hedgerow is subjected to regular management, presumably due to its proximity to the road, and consequently there are fewer foraging and nesting opportunities. Comparatively, the western boundary hedgerow is left unmanaged. The report concludes that it is unlikely that the site would support a viable population of hazel dormice and use is likely to be limited to dispersing individuals.

The north-south connectivity is also maintained through the retention of the western hedgerow. It is agreed that potential impacts to dormice are considered to be low. However, the precautionary measures detailed in Appendix 3, including a pre-works check by an experienced ecologist, must be adopted in full in order to minimise the risk. Mitigation in the form of species-rich hedgerow planting is considered appropriate and is likely to provide enhancement for dormice and other species if managed sensitively. Appendix 4 of the update ecological appraisal provides a suitable plan for future hedgerow management.

Nesting Birds

It is considered that the removal of the hedgerow could negatively impact upon nesting birds, which are protected under the Wildlife & Countryside Act 1981 from destruction or disturbance. The updated ecological appraisal report recommends work is undertaken outside of the nesting bird season (March to August) or, if this is not possible, a check should be undertaken by an experienced ornithologist prior to the commencement of works. Lighting Dormice and bats are nocturnal and therefore susceptible to changes in any artificial lighting. The site lies within the Corse Sustenance Zone (CSZ) of a lesser horseshoe bat roost. However, the habitat on site is considered to be of low foraging value and any use of the site likely to be for occasional commuting purposes.

Nevertheless, any additional external lighting should be minimised to protect commuting routes, in particular the boundary hedgerows. Biodiversity Net Benefit Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The Dear CPO letter from Welsh Government dated 23/10/2019 makes it clear that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

The PEA report recommends that two Schwegler bird boxes (of differing hole size specification) and two bat boxes are installed on trees within the site boundary. This is considered an appropriate level of enhancement for a development of this scale. Details on installation of the boxes are provided in Appendix 5 of the Update Ecological and Protected Species Report.

Details of ecological enhancement has been submitted and is acceptable, compliance condition is recommended.

MCC Environmental Health: No objection

Having reviewed the above application, whilst some noise from raised voices, smoke and odour from cooking activities and occasional odour from toilet composting resulting from the use of the pod may be discernible at the nearest residential property from time to time I am not in a position to substantiate a level of problems on which to base an objection.

If the development is granted permission and the use of the pod is extended beyond an ancillary use by the family and used for holiday purposes a licence under the Caravan Site Control of Development Act 1960 for the holiday use will be required. The applicant should contact the Environmental Health Department to acquire the licence in such circumstances.

MCC Highways: No objection

The highway authority has reviewed the additional details submitted in support of the application, particularly the Site Plan. The highway authority offered no objection to the proposal previously and the highway authority re-affirm their position and welcome the improvements proposed to the existing means of access, namely the provision of a turning area, a permeable rolled stone access, entrance gates set back 2.4 m from the carriageway edge and the improved visibility splays.

5.2 Neighbour Notification

Three representations have been received the date objecting to the proposal, the comments are summarised below:

- Affect local ecology
- Close to adjoining properties

- Conflict with local plan
- Out of keeping with character of area
- Random development in open countryside in the AONB. The designation of the AONB is intended to prevent this type of development.
- The timber pod would be clearly visible from the public highway.
- The site is small and very narrow and the pod would be over-bearing and out of place in the rural setting.
- The design of these pods is not like any other local structures.
- The priority is the protection, conservation, and enhancement of the county's landscape. However, the log pod would be a visual intrusion and thereby harm the visual quality of the landscape. The log pod and its use would cause a significant detrimental change to the natural landscape and would in no way work to protect or enhance the landscape.
- In planning terms it is likely that this type of wooden camping pod would be defined as a caravan. Under the Caravans Act the owners or any future owner may have the right to substitute this pod with a full size static caravan 20metres x 6.8metres and over 3m high without any further planning permission being necessary.
- No mention is made of toilet facilities in the application.
- It would be very difficult to control the use of the pod with regard to overnight occupation
- The applicant and the agent both stressed that the pod was strictly for personal use only at that time. The applicants letter in 2020 again claims that use will be personal even saying that he 'would understand any objection if our proposal was to utilise the site as a commercial concern with third parties coming and going'. The current application August 2021 is for exactly that tourism use.

Concern regarding the removal of a considerable length of the eastern hedgerow to enable the entrance gate to be moved back and to create a grass verge to improve visibility.

The Ecological Appraisal submitted with the earlier application recommends that no trees or hedges are to be removed or altered.

It states that the hedges are the most important habitat on site because of their connections to other ecologically valuable habitats. The eastern hedgerow is intact and is species rich.

The EA concludes with a recommendation that a hedgerow management plan must be created and implemented to maintain the hedgerows

Contrary to Nature Conservation and Development section of the LDP it is stated that development proposals are only permitted where "the need for the development clearly outweighs the nature conservation of the site." The proposal for the log pod clearly does not satisfy these criteria because there is no pressing need for a log pod on this site. The damage to the hedgerow caused by the proposed translocation is just one example of nature conservation being overlooked.

In addition, the LDP also features a section on Visitor Accommodation Outside Settlements which states that "outside town and village development boundaries, the provision of self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings." The proposal does not satisfy these criteria because there are no existing buildings on the site.

A final point in relation to the LDP is its section on Amenity and Environmental Protection which states that development should have regard to the privacy, amenity, and health of occupiers of neighbouring properties. The site in question is directly across a narrow lane from my home and no other buildings are in close proximity. The log pod would create many adverse impacts on us as close neighbours. For example, the use of the log pod cannot be satisfactorily supervised; there would be no way of controlling how many people are staying in the log pod. Additionally, accommodation of this nature usually leads to the visitors being outside the log pod for much of the time, such as for cooking and socialising.

This increases the adverse impacts on us, including noise, waste, and light pollution. The applicants letter itself submitted with the original application accepts there are "potential adverse impacts associated with different users and/or increasing intensity of use..."

The Ecological Appraisal with the original application states "no hedgerow or trees are to be removed or altered." So, translocation of a large proportion of hedgerow is clearly not permissible. However, there is currently not adequate sight for vehicles to enter and exit the site safely. Therefore, this is a danger to vehicles using the narrow lane and, in fact, was the basis for a refusal for a previous application in 2009 for placement of a caravan upon the site.

There is also the likelihood of visitors parking along the narrow lane. Although one parking space is provided within the plans, there may often be more than one vehicle at the site. This would necessitate parking in the lane. Finally, if the access to the gateway is difficult to use, visitors will be inclined to park along the lane instead for ease of use.

The proposal to translocate the hedgerows includes widening the grass verge/bank alongside the lane. This would lead to visitors parking along the grass verge.

The safety of vehicles using the lane would be compromised. The sight line and safe accessibility for use of our driveway would also be adversely impacted by cars parked along the grass verge.

So Highway and Community Safety Issues provide compelling reasons to refuse this application.

The original application led to concerns about the land use classification of the site. This is also an ongoing concern. The land use classification is not appropriate for this proposal for a tourism site.

Comments given in original representation by neighbour are below:

I am writing to object to the application to place a log pod on the piece of land directly opposite my property.

I live very close to the site. The area, in an AONB, is very quiet and peaceful and the lane alongside the proposed site is also quiet with very little traffic.

The piece of land to site the pod is narrow and so the log pod would fill a large section across it.

So this means the pod would be very near the road and the hedgerow. As such the hedgerow is not sufficient to screen it or absorb any of the noise created by the use of the pod. In addition, the small size of the land would not allow for sufficient noise dissipation before it reaches our property.

The large size and scale of the pod makes it overbearing in relation to the size and shape of the land and its appearance would have an adverse visual impact on us and the immediate area.

Another concern is the lack of control of usage of the pod as it would be available for use 24/7.

There could be noise and disturbance at any time of day or night.

I would also question the categorisation of the land as "amenity land". I would have thought of amenity land as more of a garden attached to a property for leisure purposes or a public open space for community use. This is just a piece of natural scrub and woodland. As I understand it, the land was sold to the current owner by Gwent Wildlife Trust as an area to be conservationally managed to preserve its natural state, not to be used as a camping site.

5.3 Other Representations

No comments received to date

5.4 Local Member Representations

No comments received to date

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

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

6.0 EVALUATION

6.1 Principle of Development

6.1.1 National planning policy on tourism is set out in Planning Policy Wales (PPW, Edition 11) and reflects the Welsh Government's aim to encourage tourism to grow in a sustainable way and make an increasing contribution to the economic, social and environmental well-being of Wales. It provides for the planning system to encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and local communities.

6.1.2 The vital role of tourism to the Monmouthshire economy is reflected in the LDP policy framework which seeks to support and enable sustainable forms of tourism development while at the same time ensuring that the natural and built environment, key drivers of the visitor economy, are preserved and enhanced. Strategic Policy S11 - Visitor Economy - specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire.

6.1.3 In recent years new forms of visitor accommodation known as 'glamping' (i.e. glamorous camping) have emerged and are becoming increasingly popular with the staying visitor market. These forms of accommodation are a relatively recent innovation and are not defined in legislation and not explicitly referred to in current LDP policies. Accordingly, there was a need to clarify how such proposals should be assessed against the existing LDP policy framework and therefore the Council adopted Supplementary Planning Guidance (SPG) to inform this in November 2017. This application is a re-used wooden camping pod for tourism accommodation, which is considered to be in the category of sustainable visitor accommodation.

6.1.4 The SPG informs that the Council seeks to support and adopt a positive approach to sustainable forms of visitor accommodation. This is reflected in the LDP policy framework which is supportive of such proposals providing that this is not at the expense of the natural and built environment, which in themselves are key drivers of the County's visitor economy. Appropriate proposals will be those which are considered to accord with principles of sustainable tourism set out in paragraph 3.3.

6.1.5 The SPG states that sustainable tourism accommodation (glamping) proposals should reflect the following key principles of sustainable tourism:

- (a) Generate benefits for the local economy (residents and visitors)
- (b) Protect and enhance landscape character and natural/historic environment
- (c) Scale and design appropriate to site context
- (d) Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique)
- (e) Generate minimal car trips
- (f) Make use of renewable energy resources (energy efficient)
- (g) Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure)

6.1.6 The above criteria are assessed in relation to this development in turn:

(a) Benefits for the local economy - The proposed camping pod will provide tourist accommodation that will bring visitors to the area which will in turn benefit the local economy.

(b) Protect and enhance landscape character - The proposed camping pod will be sited on a narrow stretch field accessed directly from the highway, the existing access broadly opposite the access that serves the dwellinghouse, Old Park Cottage. The proposed pod will be located towards the northern part of the site away from the improved access and potential viewpoints through and will be screened from the wider area by the existing boundary hedge. It is proposed that the hedge is maintained at 2.4m in height to soften the presence of the pods; this would help to reduce the presence of the proposal in the wider landscape.

(c) Scale and Design appropriate to site context - The scale of this camping pod and toilet pod is very modest; it is considered that the proposed structures would be well screened by the 2.4m high hedge. In addition, the design of this camping pod is visually acceptable and would conform to the ethos of the sustainable tourism accommodation SPG in Monmouthshire.

(d) Locally adapted - The proposed pod is low key by reason of its very modest size, and design and use of natural finishing materials; this provides the basic low-key accommodation.

(e) Generate minimal car trips - The type and size of this proposal will not be likely to generate a significant number of vehicular trips in and out of the site. There is an existing public footpath within close proximity that is linked to the wider footpath network.

(f) Make use of renewable energy resources (energy efficient) - The pod is a re-used gifted pod that is being put to beneficial use, finished in sawn timber.

(g) Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure) - Additional infrastructure will be minimal, the only additional ancillary building is the toilet pod. Both pods are not permanent and therefore when the use ceases the landscape can return to its former state.

6.1.7 In all cases, the use of such visitor accommodation for permanent residential occupancy will not be acceptable as all accommodation must remain for the intended tourism purpose only so that the wider economic benefits are secured. As such a condition limiting occupation to no more than 28 days at a time should be added to any consent.

6.2.1 Good Design

6.2.1 The scale of this camping pod is very modest, the majority of it will be screened by the hedgerow, although its height at 2.8m finished in sawn timber will be partly visible above the hedgerow. The proposed pod is proportionate in scale to the application site, it is both modest in scale and sensitively designed so its curved wooden structure blends into the backdrop of mature trees that surround the site to the north, west and south.

In addition, the proposal will benefit from a hedge of 2.4m high fronting the site to minimise its presence on the wider landscape in accordance with Policy DES1 of the LDP. A condition will be imposed to ensure that the hedge at the site is at least 2.4m in height and it shall remain as such in perpetuity.

6.3 Residential Amenity

There is only one neighbouring property that is potentially affected by this proposal. The proposed pod is situated approximately 42m to the closest point of the neighbouring dwelling.

The neighbouring property directly overlooks the south part of the application site and acute angled viewpoints can be achieved of the proposed pods to the north. The pod is modest with limited floorspace, accommodating a double bed and storage of ancillary items and this in itself will control the visitor numbers that will use this pod, as the space and accommodation is very limited. It is likely that visitors to the site will therefore spend time outside of this pod and consideration needs to be given to the potential disturbance that arises from smells of cooking and noise from visitors to this property. However, by reason of the separating distance and intervening highway and hedgerow, this will mitigate any potential overlooking problems. In addition, the siting of the proposed pods are to the north of the site and while close to boundary of the neighbouring property the more commonly used part of the curtilage is to the south of the neighbouring dwelling. Noises and potential disturbance would be concentrated towards this part of the site away from the more actively used part of the neighbouring property. As part of the hedgerow is being removed and replanted around the access, this will open up the site for a period; it is considered that the expected time for this hedgerow to mature to provide an effective screen will be approximately two years if they follow the proposed method statement. During this time part of the site will remain exposed and partly visible from the highway. However, the pod will still be situated behind the hedgerow that is remaining in situ, and given its separating distance and intervening features, namely the highway and neighbouring hedgerows/foilage, this is considered to provide the required mitigation for this proposal to not have a significant adverse impact upon the neighbouring property during the time it takes for the new hedgerow to become established.

Given the above, no significant impact of this kind is anticipated, respecting Policy EP1 of the LDP.

MCC Environmental Health have reviewed the application and state that whilst some noise from raised voices, smoke and odour from cooking activities and occasional odour from toilet composting resulting from the use of the pod may be discernible at the nearest residential property from time to time, this would not substantiate a level of problem on which to base an objection.

6.4 Highway Implications

6.4.1 It is considered that the type and size of this proposal is not likely to generate a significant number of vehicular trips in and out of the site. The proposal is to utilise the existing vehicular access to the site to serve the holiday let. However, to improve the visibility splay for the users of the proposal and the existing users of the lane, the hedgerows are being altered to provide the visibility splays required. The Council's Highways Department has been reconsulted

and there is no highway concern to this element of change. Therefore, there is no objection to this element and application is in accordance with Policy MV1 of the LDP.

6.5 Landscape

The application site is in the Wye Valley AONB. The requirement of this policy is that within the Wye Valley AONB, any development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area.

There are several criteria that is prescribed within this policy to which regard must be given. The proposed camping pod and toilet pod are small in scale and situated within a site enclosed by hedgerows and trees. The proposed new hedgerows will result in a short-term change with the removal of two sections of hedgerow, although once established the replacement by this managed species rich hedgerow will enhance the landscape as well as deliver ecological enhancement. Furthermore, it is conditioned that the hedgerow along the eastern boundary, including the replacement hedgerow, is to be managed to grow to a height of 2.4m, providing an effective natural screen that will minimise the landscape impact of the pods and any associated paraphernalia. There is a lighting condition proposed to be imposed that seeks to control any light spill and pollution resulting from this proposal. The proposal is compliant with LDP policies S13, LC1 and LC4 in this case

6.6 Biodiversity

This application has been supported by an updated Preliminary Ecological Appraisal (PEA - dated 20th January 2022). It is proposed that approximately 50m of hedgerow is to be removed in order to create a visibility splay (previous proposals included translocating the existing hedgerow and therefore impacts upon dormice were considered negligible). However, with the removal of the existing eastern hedgerow, impacts on dormice have been reconsidered. The updated ecological appraisal found that the eastern hedgerow is subjected to regular management with fewer foraging and nesting opportunities. Comparatively, the western boundary hedgerow is left unmanaged. The report concludes that it is unlikely that the site would support a viable population of hazel dormice and use is likely to be limited to dispersing individuals.

The report concludes that habitats at the site are broadly unchanged from when the site was previously surveyed in 2018. The only major ecological issue involves the planting of a new species-rich hedgerow in lieu of translocating the original species-poor hedgerow, which should enhance the site over the long-term but could have negative short-term impacts on dormice and nesting birds.

However, the precautionary measures detailed in Appendix 3, including a pre-works check by an experienced ecologist, must be adopted in full to minimise the risk. Mitigation in the form of species-rich hedgerow planting is considered appropriate and is likely to provide enhancement for dormice and other species if managed sensitively. The updated ecological appraisal provides a suitable plan for future hedgerow management. A condition controlling the method of hedgerow removal and hedgerow planting in accordance with the statement submitted is recommended accordingly.

The updated ecological appraisal report recommends work is undertaken outside of the nesting bird season (March to August) or, if this is not possible, a check should be undertaken by an experienced ornithologist prior to the commencement of works.

Nevertheless, any additional external lighting should be minimised to protect commuting routes, in particular the boundary hedgerows, a condition is proposed accordingly.

Biodiversity Net Benefit - Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The PEA report recommends that two Schwegler bird boxes (of differing hole size specification) and two bat boxes are installed on trees within the site boundary. This is considered an appropriate level of enhancement for a development of this scale. Details on installation of the boxes are provided in Appendix 5 of the Update Ecological and Protected

Species Report. MCC Ecology are satisfied that the details of ecological enhancement are acceptable and a compliance condition is recommended accordingly.

6.7 Impact on Amenity

A waterless toilet is proposed, the design and specification of which has been provided. The toilet is accommodated in a smaller pod of a similar design to the camping pod. It is situated immediately adjacent to the camping pod at a significant distance from the neighbouring dwelling. The modest scale of the proposal (and likely low use of this toilet) coupled with the separating distance and method of waste disposal, is unlikely to result in unpleasant odours that can significantly impact local amenity or residential amenity in this case.

6.8 Foul Drainage

Foul Drainage is via a waterless composting toilet; the specification provided with the proposal details the measures proposed to eliminate odours. As it is waterless and outside a phosphate sensitive area, there are no further considerations to be made on this matter other than that which is considered as part of the impact on amenity which is addressed in paragraph 6.7 above.

6.9 Tourism

The SPG states that sustainable tourism accommodation (glamping) proposals should reflect key principles of sustainable tourism, this is addressed specifically in Para 6.1 above. The scheme does deliver a low-key sustainable form of tourism that meets the key principle of sustainable tourism accommodation (glamping) proposals and complies with Policy of S11 of the LDP that specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire.

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

6.10.1 The issues raised by Trellech Community Council and neighbouring properties are as follows:

- Not compliant with LDP Policy T2 on visitor accommodation outside settlements. This is addressed under para 6.1 'Principle of Development'.
- Not compliant with Policy LC1 on new built development in the open countryside. 'Moving' a mature hedge would not be an easy task. The hedge would be unlikely to survive, especially since the owner does not live on site.

This is addressed under para 6.5 'Landscape Impact and Para 6.6 'Biodiversity'.

- Affect local ecology

This is addressed under para 6.6 'Biodiversity'.

- Conflict with local plan

This is addressed under para 6.1 'Principle of Development' and all other paragraphs covering landscape, ecology neighbour impact and tourism.

- Out of keeping with character of area

This is addressed under para 6.2.1 'Good design' and para 6.5 'Landscape'; it is low key modest tourism development finished in natural materials with no wider impact.

- Random development in open countryside in the AONB. The designation of the AONB is intended to prevent this type of development. The priority is the protection, conservation, and enhancement of the county's landscape. However, the log pod would be a visual intrusion and thereby harm the visual quality of the landscape. The timber pod would be clearly visible from the public highway.

This is addressed under para 6.5 'Landscape'

- In planning terms, it is likely that this type of wooden camping pod would be defined as a caravan. Under the Caravans Act the owners or any future owner may have the right to substitute this pod with a full size static caravan 20metres x 6.8metres and over 3m high without any further planning permission being necessary.

This is an application for a tourism pod, not a caravan, a totally different development. No mention is made of toilet facilities in the application.

Detailed specification has been provided of a waterless compost toilet. This is addressed under para 6.3 'Residential Amenity', par. 6.7 and 6.8 'Foul Drainage'.

-It would be very difficult to control the use of the pod with regard to overnight occupation.

Standard conditions that are applied to such tourism accommodation relating to length of stay can be imposed.

- Concern regarding the removal of a considerable length of the eastern hedgerow to enable the entrance gate to be moved back and to create a grass verge to improve visibility. The Ecological Appraisal submitted with the earlier application recommends that no trees or hedges are to be removed or altered. Contrary to policy, LDP states that development proposals are only permitted where "the need for the development clearly outweighs the nature conservation of the site." The proposal for the log pod clearly does not satisfy these criteria because there is no pressing need for a log pod on this site. Damage to the hedgerow caused by the proposed translocation is just one example of nature conservation being overlooked

This is addressed under para 6.6 'Ecology'.

- Development should have regard to the privacy, amenity, and health of occupiers of neighbouring properties. The site in question is directly across a narrow lane from my home and no other buildings are in close proximity. The log pod would create many adverse impacts on us as close neighbours. For example, the use of the log pod cannot be satisfactorily supervised; there would be no way of controlling how many people are staying in the log pod. Additionally, accommodation of this nature usually leads to the visitors being outside the log pod for much of the time, such as for cooking and socialising.

This increases the adverse impacts on us, including noise, waste, and light pollution. The piece of land to site the pod is narrow and so the log pod would fill a large section across it. So this means the pod would be very near the road and the hedgerow. As such the hedgerow is not sufficient to screen it or absorb any of the noise created by the use of the pod. In addition, the small size of the land would not allow for sufficient noise dissipation before it reaches our property.

Another concern is the lack of control of usage of the pod as it would be available for use 24/7. There could be noise and disturbance at any time of day or night.

This is addressed under paras 6.3 'Residential Amenity' and 6.7 'Impact on Amenity'.

- The proposal to translocate the hedgerows includes widening the grass verge/bank alongside the lane. This would lead to visitors parking along the grass verge. The safety of vehicles using the lane would be compromised. The sight line and safe accessibility for use of our driveway would also be adversely impacted by cars parked along the grass verge.

There is sufficient off road car parking space provided within the site to accommodate the requirements of this scale of proposal. It is highly unlikely that such a development will lead to parking on the verge. MCC Highways are satisfied with the proposal. the highway implications are addressed under Para 6.4.

- The original application was for 'private use' - the re-submission also mentions tourism. Question the categorisation of the land as "amenity land". I would have thought of amenity land as more of a garden attached to a property for leisure purposes or a public open space for community use. This is just a piece of natural scrub and woodland. The land was sold to the current owner by Gwent Wildlife Trust as an area to be managed carefully having regards to nature conservation, to preserve its natural state, not to be used as a camping site.

The original application was submitted as an amenity pod to be used for the private purposes of the applicant's family; this could not be supported under planning policy and the development proposal was changed to a tourism camping pod. This application is considered under relevant

policy that applies to a tourism pod. This is not an application for an amenity pod but a tourism camping pod, amenity land is no longer an issue to be considered as part of this application.

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 proposed scheme delivers a low-key sustainable form of tourism that meets the key principle of sustainable tourism accommodation (glamping) proposals and complies with Policy of S11 of the LDP that specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire. The proposed scheme is very modest, the majority of it will be screened by the hedgerow, its height at 2.8m finished in sawn timber will be partly visible above the hedgerow. The proposed pod is proportionate in scale to the application site, it is both modest in scale and sensitively designed so its curved wooden structure blends into the backdrop of mature trees that surround the site to the north, west and south. Conditions are proposed that secure landscape and ecological enhancement, whilst the impact upon the neighbouring dwelling is mitigated to a satisfactory level by the scale and position of the pod and further conditions controlling the use of site and securing the method of hedgerow removal, planting and subsequent height retention at 2.4m. The proposal is recommended for approval with conditions

7.0 RECOMMENDATION:

APPROVE Conditions:

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

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

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

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

3 All hedgerow removal shall be carried out in strict accordance with 'Appendix 3 - Hedgerow Removal Method Statement' of the approved 'Ecological and Protected Species Report Update' report by Swift Ecology, dated 20th January 2022.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1 Mitigation & Enhancement Plan

4 The Mitigation and Enhancement Plan dated 28/02/2022 shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the Local Planning Authority no more than three months later than the first beneficial use of the pod.

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

5 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

6 An up-to-date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

7 No hedgerow removal shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active birds' nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the site until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

9 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.

10 All hedgerow planting shall be carried out in strict accordance with 'Appendix 4 - Hedgerow Planting Scheme' of the approved 'Ecological and Protected Species Report Update' report by Swift Ecology, dated 20th January 2022.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1 Mitigation & Enhancement Plan

11 The boundary hedge of the site that runs adjacent to the highway shall be maintained at a minimum height of 2.4m measured from the ground and it shall remain in place for as long as the camping pod is on site.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with policies S13, S17LC1, LC4, EP1 and DES1.

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Proposal: Two new detached dwellings with associated garages, car parking, access driveways and landscaping

Address: Land rear of Rosebrook, Watery Lane, Monmouth

Applicant: Mr Darren Morgan

Plans: Elevations - Proposed P01 - C, Elevations - Proposed P02 - D, All Existing Plans P10 - A, All Proposed Plans P11 - G, Location Plan P20 - B, Other P35 Vision Splay Plan - , Street Elevation P30 - B, All Drawings/Plans P03 Proposed Garages - , Landscaping Plan 20/743/01 Proposed Planting Plan - D, Other Site Report Author Tim Fycun - , Drainage RH10 Drainage Layout - Revision B, All Proposed Plans P03 Proposed Garages - , Other MIH Schedule 2 - , Other Surface water Storage Requirements - , Other Email 12/03/22 from agent drainage details - , Drainage WEPS Ltd Site Report - dated 06.04.21, Tree Survey Jerry Ross Arboricultural Tree Survey and constraints report (dated 25/09/2018) - , Tree Protection Plan Arboricultural Impact & Protection Plan dated 08.11.2018 - ,

RECOMMENDATION: Approve subject to a s106 agreement

Case Officer: Jo Draper

Date Valid: 18.01.2021

This application is presented to Planning Committee at the request of the (former) Local Member due to an objection received from Monmouth Town Council

1.0 APPLICATION DETAILS

1.1 Site Description

1.1.1 This is a full planning application for two detached dwellings within the rear garden of a detached dwelling known as Rosebrook. The site has outline planning consent to erect two large detached two-storey dwellings, approved on 7th December 2017. There has been a recent full application DM/2018/01872 for three dwellings refused and dismissed at appeal. This current application has superseded a previous reserved matters submission (with the same reference), as the dimensions of the proposed dwellings as part of the reserved matters application were smaller than the minimum parameters set by the outline planning consent and therefore had to be addressed as a full planning application.

1.1.2 The dimensions of each of the proposed dwellings are as follows:

Plots 1 & 2

12.1m in width

16m in depth (including the gable projection to the rear).

Eaves height is 4.6m

Ridge height is 7.5m

There is a double garage proposed to serve each dwelling, measuring 6sq.m. in floor area, 2.25m to eaves and 4.75m to ridge. The external materials match the proposed dwellings.

1.1.3 External materials comprise blue-black natural slates and ridge tiles. Colour coated aluminium fenestration in dark grey. The front walls are finished with random coursed stonework and clay facing brickwork, with the side and rear elevations being a mixture of natural render and facing brickwork. Dark grey rainwater goods.

There is a change in the treatment of the frontage with Plot 1 having a double gable frontage whilst plot 2 has one gable projecting to the front. A street elevation submitted with the application demonstrates that due to the drop in levels to the rear of the severed property, both proposed dwellings have a lower ridge height than both the severed dwelling and neighbouring property Half Acre when viewed from the high

1.1.4 Access to the site is proposed via two new private driveways, one either side of the existing dwelling, Rosebrook.

1.1.5 The landscaping/planting plans show that the existing hedgerow to the north, south and east boundary is to be retained. The only hedgerow to be removed is the small section that is removed to create a new access to serve plot 2. New hedgerow planting is proposed around the boundary of the severed property, and this extends to the driveway of plot 2 to the ditch to the front of the site.

1.1.6 There are fourteen additional trees proposed as part of the landscaping scheme, with seven new trees proposed along the boundary between the access and the neighbouring property Half Acre. There are five new trees proposed along northern boundary with the neighbouring property Bryngwyn and two additional trees provided between plot 1 and the severed dwelling, Rosebrook within the hedge boundary. A hedgerow is the proposed boundary material separating plots 1 and 2.

A 1.8m high close-boarded fence will run alongside the hedgerow forming the boundary to the severed dwelling and the plots to the rear.

1.1.7 The agent has confirmed that the Jerry Ross Arboricultural Tree Survey and constraints report (dated 25/09/2018), together with the notes regarding arboricultural impact and tree / root protection, and the measures outlined on the Arboricultural Impact & Protection Plan dated 08.11.2018, have been fully incorporated into the most recent application (ref DM/2019/01867). The trees subject to TPO's are shown to be fully protected, the only trees to be removed are trees 6, 8 and 9 (shown on the landscaping plan), all identified in the tree report (submitted with the previously refused application) as being in poor condition or in the case of the sycamore (tree 8) as being of structural concern. The remaining trees on site are retained as part of the landscaping scheme.

1.1.8 There has been a full drainage submission to accompany this planning application, covering foul and surface water drainage. It is proposed that the foul water is treated by a single Private Treatment Plant that serves each property, while the surface water drainage is to connect to the watercourse that runs to the front of the site along this section of Watery Lane.

1.1.9 This application is presented to Planning Committee at the request of Monmouth Town Council who have objected to the proposal. The former Local Member also requested that it be presented to Planning Committee.

1.2 Value Added

1.2.1 In reaching this final scheme there have been a number of revisions to the scheme. The current scheme was previously revised to reduce the scale and mass of the proposal with the width of both dwellings being significantly reduced (this led to the applicant having to submit a full planning application to replace the Reserved Matters application originally submitted). Further changes negotiated involved provision of additional trees, hedgerows and clarification of planting details that secure a more appropriate mix to meet the requirement for ecological betterment and contribute to the visual and landscape amenity of the surrounding area.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01872	Three new detached market dwellinghouses with associated garage(s), car parking, access driveways and landscaping.	Refused	17.05.2019
DC/2017/00188	Two detached two storey dwellings located in rear garden of Rosebrook.	Approved	07.12.2017

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 S4
LDP Affordable Housing Provision

Development Management Policies

EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure
MV1 LDP Proposed Developments and Highway Considerations
EP3 LDP Lighting
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

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

Monmouth Town Council: Refuse

- Overdevelopment
- Drainage
- Access

Councillors felt that the amended application did nothing to alleviate the concerns that had been raised by the Town Council previously. It was noted that flood prevention had been considered but the concerns of Councillors remained.

Councillors are concerned about overdevelopment in an area which is prone to flooding. There was also concern that the water from the property will be pumped into the ditch at the front of the house and whether the ditch can take the increase in water that will be caused by the new properties. Councillors noted the concerns of the neighbour at Half Acre and took these concerns into consideration. Councillors feel that the size of the proposed houses are not in keeping with the area and note that the elevations provided for property 2 still contain conflicting proposals.

Councillors have particular concern that ditches have been infilled as part of the development and would recommend further investigation into this as such actions will have significant impact on water drainage and future flooding issues.

Gwent Glamorgan Archaeological Trust (GGAT): No objection: There is unlikely to be an archaeological restraint to this proposed development

MCC Green Infrastructure (G)/Urban Design Officer: The revised submission has sought to address concerns raised regarding scale and mass of the proposed dwellings and impact on the localised character of Watery Lane. The reduction in the properties' width as viewed from Watery Lane and additional tree planting is welcomed and is considered to be more proportionate for the plot and setting. However the ridgeline to plot 1 has increased slightly from 7.4m to 7.5m and plot 2's ridgeline has decreased slightly from 7.55 to 7.5m with a reduction in depth providing a more consistent overall dwelling height above ground level with variations in roof alignments in terms of dormer ridgelines. Visually this would be acceptable.

The additional soft landscaping information on plan ref 20/743/01 rev C and clarifications regarding fencing is acceptable.

There is sufficient landscape information and soft landscape information. The proposed development is acceptable.

MCC Ecology: no objection subject to conditions

Landscape details

The landscape plan shows that majority of hedgerows are to be retained and there will be 189m of hedgerow planting; amendments to provide a more diverse mix have been made and this is welcomed.

We welcome the submission of "Planting Proposals Plan Dwg ref. 20/743/01 rev D", this clearly shows the existing/retained, new planting and the vegetation to be lost. It is evident that existing vegetation is being retained where possible and that the new planting proposed will compensate for any loss, improve habitat connectivity and also contribute towards providing net benefit for biodiversity. Please include this plan as an approved document on the consent to ensure compliance.

Dormice

There is potential for Dormice to be present in the wider area, however, given the extent of retained vegetation and the additional 189m of hedgerow planting proposed as part of the scheme, it is not considered that the development would be detrimental to this species. Appropriate Construction methods will need to be secured via a condition for a Construction Environmental Management plan (CEMP).

Bats

With reference to the high-quality bat landscape to the south of the property and to safeguard any potential roosts within Rosebrook or surrounding trees, we would also request a lighting plan. This should ensure dark corridors to the wider landscape are maintained and only sensitive low level PIR lighting is used on the dwellings.

We had previously expressed concern that the trees scheduled for removal had not been subject to an ecological assessment and therefore asked for a method statement for removal. It is accepted from review of the arboricultural assessment that the trees to be removed would have limited potential for bats, however, as a precaution we request formal assessment to be undertaken as part of the CEMP.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

We welcome the provision of updated plans "P11 Rev F Proposed Site and Landscape Plan", "P01 Rev C Plot 1" and "P02 Rev D Plot 2". These plans identify the location, positioning and specification of features designed to provide net benefit for bat and bird species, this coupled with the additional planting indicated on "Planting Proposals Plan Dwg ref. 20/743/01 rev D" demonstrates that the scheme will provide net benefit for biodiversity. Compliance should be sought via these plans being listed as approved documents on the consent and through the condition provided below.

River Wye SAC - Phosphorus

The proposals have the potential to increase phosphorus levels in the River Wye SAC and as such a Habitats Regulations Assessment has been undertaken.

The proposals were found to be likely to result in a significant effect, due to the in-combination effect of consenting two discharges to ground closer than 200m from one another and also closer than 200m from any other existing discharges (approx. 15 exempted discharges).

The development would also increase the density of discharges to greater than 1 for every 4 hectares (or 25 per km²). On review of the NRW Waste and Water Quality exemptions - Public Register (Natural Resources Wales Waste and Water Quality exemptions - Public Register) the existing density is 28 per km² the proposals would increase this to 30 per km².

A full Appropriate Assessment in accordance with Regulation 63 was therefore undertaken.

In considering the Planning advice, in particular the in-combination effect, the development would result in an additional two discharges that are within 200m from one another and closer than 200m from any other existing discharges (approx. 15 exempted discharges). It would also result in an increase in the density of discharges to 30 per km².

The capabilities of the PTSP and the resultant Phosphorous levels are such that 360mg per day would discharge to ground. The system proposed is compliant with British Standards and it considered that given the distance to waterbodies, the SAC and the discharge rate that the development is unlikely to have an adverse impact on the integrity of the SAC. The details of the foul drainage system must be secured via compliance with the approved drainage layout plan. The applicant will need to seek an environmental permit for the proposed discharges.

NRW's comments of the 28/09/21 agree with the LPA conclusion and state, "Based on the evidence in the AA we are satisfied you can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC))."

Conditions required relating to CEMP, lighting design and biodiversity enhancement.

MCC Tree Officer: No objection subject to conditions.

The outline application DM/2017/00188 was for two detached dwellings. I was satisfied that the root protection areas (RPA) of the retained trees could be accommodated into the scheme without unnecessary harm.

Reference is made to the previous refusal for 3 dwellings, the proposed layout on the current application increases the number of dwellings to three. However, the new layout demonstrates that the RPAs may still be accommodated provided that adequate tree protection measures are adopted and adhered to.

Conditions are recommended accordingly.

MCC Highways: No objections subject to conditions.

The highway authority offered no objections to the outline application DC/2017/00188 for the development of an additional two dwellings in the garden of Rosebrook. The highway authority offers no objections to increasing the number of properties served off the existing means of access to two properties and the creation of a new means of access off Watery Lane to provide vehicular and pedestrian access to a further property to the rear of Rosebrook.

The details submitted in support of the application are deemed acceptable. The new means of access will be required to traverse the adjacent drainage ditch / watercourse, the applicant should as detailed at outline application ensure that they make the appropriate application to Natural Resource Wales (Internal Drainage Board) for the crossing of the adjacent watercourse and no development may commence until the applicant submits details of agreement and approval of the access bridge/culvert by Natural Resources Wales.

A Construction Traffic Management Plan condition is required here for such a development where the highway access is limited.

gain land drainage consent (NRW) and secondly the highway authorities requirement to traverse the highway pursuant to S184 of the Highway Act, the watercourse being highway. The highway engineer has suggested that if the neighbour wants further reassurance a further condition could be imposed requiring the applicant to take positive measures to prevent surface water from the adjacent highway draining into the application site, details to be submitted to the planning authority prior to development commencing.

Natural Resources Wales: No objection to proposed development as submitted.

We have reviewed the following additional information submitted in support of the application: - E-mail trail with most recent e-mail from Darren Worthing to Jo Draper, dated 12 March 2022.
E-mail trail with most recent e-mail from David Penny to Jo Draper, dated 17 March 2022.
E-mail trail with most recent e-mail from Jo Draper to Andrew Hurst, dated 28 February 2022 including e-mail from Dave Penny to Jo Draper dated 18 February 2022 regarding site visit and seeking clarification on 3 numbered points.

We provide the following updated comments:

Surface Water Drainage The proposed development site is within the Lower Wye Internal Drainage District (IDD). We note the proposed development is proposing surface water discharge to watercourse. Greenfield run-off rate has been calculated as being as 2.5l/s per property (5l/s in total) which will convey at this rate to the watercourse

We refer you to an e-mail from Darren Worthing to Jo Draper dated 12 March 2022. We can confirm we have no objection in principle to the proposed surface water drainage proposals subject to the applicant securing all relevant permits/consents/licences relevant to their application including Land Drainage Consent (LDC).

Habitats Regulations Assessment.

We most recently provided comments on the Habitats Regulations Assessment (HRA), our reference - CAS-165059-H4B7, your reference DM/2019/01867, dated 28 September 2021. In this response we concluded that based on the evidence in the Appropriate Assessment (AA) we were satisfied you can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC). We also advised that the applicant was proposing to install a Package Treatment Plant for each of the proposed dwellings discharging to soakaway and that your authority must be satisfied that the proposed drainage field be built to British standards.

Foul Drainage/PTP We have previously stated that the proposed development was going to an existing septic tank connection. We now note that the proposed dwellings are each going to be served by a separate package treatment plant connection discharging to soakaway. We refer you to our response to the HRA AA consultation our reference - CAS-165059- H4B7, your reference DM/2019/01867, dated 28 September 2021. I also refer you to our latest response to the planning consultation, our reference - CAS-145692-R1J6, your reference DM/2019/01867, dated 29/4/2021, where we confirm the applicant has justified the use of private drainage systems for this proposed development. We raise no further concerns in this regard but remind the applicant that it is their responsibility to secure all the relevant permits for their proposed development.

European Protected Species We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016. NRW therefore has no comments to make on the application, as submitted with regard to EPS - Bats. Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

Dwr Cymru-Welsh Water:

From reviewing the applicant's submission package, we have examined the foul and surface water drainage strategy. We note that surface water is to be managed on site using permeable paving and then discharged to nearby watercourse. For foul water we note that due to difficulties to reach the nearest public sewer, the use of a private waste water treatment system is proposed.

Welsh Water have no objection to above development proposals.

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of

Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems -designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Monmouthshire Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

We can advise that Monmouth WwTW has/does not have a phosphate permit. This matter will need to be considered further by the local planning authority.

It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application

MCC Environmental Health:

I note that a private foul / waste water treatment system is proposed for this development. Providing the foul / waste water treatment system meets current Building Regulations / Standards, I do not anticipate an unacceptable risk / harm from noise, odour etc., to nearby residents. I therefore have no objection.

MCC Drainage Officer:

I have reviewed the information provided and have no further comments at this time. The discharge rate has been agreed by NRW to not have an effect on flood risk. As NRW have confirmed that the discharge rate is acceptable we are happy for the proposal to go ahead. Information given regarding the requirements for soakaways and percolation tests, this is considered under the land drainage consent and building regulations.

MCC Building Regulations: I can see through the recent correspondence sent to me that the agent and his drainage specialist have provided above and beyond the usual Planning requirements for justification of applying an off mains waste water solution to this application. The level of detail that they have gone into would be the level of detail required as a Building Regulations application.

As this is meant as a desktop study, I believe they have evidenced that their scheme is suitable for progressing beyond Planning and to a Building Regulation application.

5.2 Neighbour Notification

Two neighbours have objected to the proposal. The objections sited are listed below with further text given where a bullet point is not adequate.

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Increase danger of flooding
- Increase of pollution
- Information missing from plans
- Loss of privacy
- Noise nuisance
- Not enough info given on application
- Potentially contaminated land
- Residential Amenity
- Development too high
- General dislike of proposal
- Increase in traffic
- Out of keeping with character of area
- Over development
- Administrative Inaccuracies
- Replacement of septic tank for Rosebrook
- Privacy Distances
- landscaping and compensatory planting
- Damage to conifer trees due to proximity of proposed development affecting tree roots
- Conditions covering potential damage and flooding to neighbouring property
- Contamination Risk of Proposed PTP and potential impact upon neighbour

- Questions information on Habitat Regulation Assessment
- Infilled ditch not shown

5.3 Other Representations

No further comments have been received to date.

5.4 Local Member Representations

The former Local Member has requested this application is presented to Planning Committee.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1 Principle of Development

The application site is within the Monmouth development boundary as identified in the adopted LDP and therefore the principle of residential new build is acceptable subject to detailed considerations. The issues that arise in the consideration of this application are addressed in the sub-headings below. Whilst this is not a 'reserved matters' application, it is noteworthy that there has been a previous outline planning approval for two detached dwellings on this site.

6.2.1 Good Design

6.1.2.1 This application has been subject to a number of amendments to alter the design, and decrease the scale, footprint and overall mass of each individual dwelling to bring the height down to two-storey dwellings that are more in character with the area.

6.1.2.2 This area is characterised by large houses of individual design situated on generous plots, all facing onto Watery Lane. There have been two dwellings recently constructed in close proximity to the site that have been set back in the original plot. There is no clear building line in this immediate area with a more random, sporadic pattern of housing along this section of Watery Lane. The previous outline proposal sought to take advantage of the depth of the site and the illustrative plans showed the proposed dwellings set well back from the highway. However, the outline consent established the principle of development on the site and the illustrative plans served only to demonstrate what could be accommodated on the site.

The proposed dwellings as part of this scheme are set back in the plot and would have a significantly smaller footprint than that allowed as part of the outline consent. As a result they help to create a less 'built up' appearance than otherwise would be the case if a larger footprint was developed as allowed under the outline consent. Both proposed dwellings have traditional proportions and form, the frontages are broken up with gables, the materials are a combination of traditional and natural with a natural slate roof, clay facing brick, the introduction of colour coated aluminium fenestration, bargeboards and rainwater goods provide a modern uplift to a traditional built form. Individually the design of the dwellings are acceptable and work well within this setting.

The land drops down to the rear of the site, and the proposed dwellings would sit lower than that of the severed (or host) dwelling, Rosebrook. A street elevation submitted with the application demonstrates that the ridgeline from this viewpoint is below that of the host property, Rosebrook, and the neighbouring property, Half Acre.

The proposed garages are both detached and are either set to the side of the dwelling or set back, forming an ancillary building to the main dwelling. They measure 6m in length and width and they read as a single storey garage with a pitch that matches that of the existing dwelling. The garage doors are two smaller double doors with external materials comprising facing brick and slate to match the main dwelling with rainwater goods to match existing. The proposed garages are of an acceptable scale and design that work with the overall scheme.

The application is supported by a comprehensive landscaping scheme that looks to retain a significant part of the existing landscaping, although what is lost in terms of a small stretch of hedgerow and some trees are more than compensated for by the 189m of additional hedgerow and 15 additional trees to be planted. All make a significant contribution to the visual amenity of the surrounding area and serve to soften the built form from the street scene and neighbouring properties.

characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling". The form, design and scale of the proposed new dwellings, coupled with the extensive landscaping proposed, have met this requirement.

6.2.2 Place Making

Watery Lane is a distinctive place in that it is characterised by individual dwellings situated on spacious, generous plots facing onto the lane. There is no uniform building line with some dwellings set back and others sited closer to the road. These features distinguish Watery Lane from the higher density, more uniform pattern that characterises the housing development to the rear of the site (Lilac Drive).

The revised submission has sought to address concerns raised regarding scale and mass of the proposed dwellings and impact on the localised character of the lane. The reduction in the properties' width as viewed from Watery Lane and additional tree planting is welcome and is considered to be more proportionate for the plot and setting. While the ridgeline to plot 1 has increased slightly from 7.4m to 7.5m, the ridgeline of plot 2 has decreased slightly from 7.55m to 7.5m, providing a more consistent overall dwelling height above ground level with variations in roof alignments in terms of dormer ridgelines. Visually this is considered to be acceptable. The proposed development by reason of the comparative plot sizes and separating distances between dwellings and plot boundaries is not out of keeping with the character of the surrounding area. The houses set back in their plots and replicate neighbouring developments (and that of the outline development).

The proposed design has sought to deliver traditional two storey dwellings with traditional and contemporary materials. The landscaping scheme has sought to retain the majority of what is existing and proposed significant additional planting with further hedgerows and trees framing and softening the site from surrounding vantage points. Subject to the appropriate use of conditions to secure the implementation and retention of landscaping and boundary materials, the proposed development will settle comfortably within the context of Watery Lane.

Green Infrastructure and Landscaping

The proposed landscaping seeks to retain a significant amount of the existing hedgerows and trees, with substantial additional landscaping in the form of hedgerows, tree planting and low-level bed planting. A further 189m of indigenous hedgerows are proposed, plus another 15 trees strategically placed to provide relief along boundaries to the hard landscaping and built form and softening the sub-divisions of this site. This would help to integrate the development into the surrounding area. The GI/Landscape Officer has confirmed that additional soft landscaping information and clarification regarding fencing provided is acceptable. There is now sufficient landscape information and soft landscape information to ensure that subject to appropriate conditions the proposed development is acceptable.

The neighbour has objected to the choice of tree species and planting position; the concern is that all root growth and most of the canopy will be within Half Acre's boundary and will damage Half Acre's fence while creating unnecessary shade because of the proposed landscaping's proximity and height.

The Council's GI and Landscape Officer has responded directly to this. Half Acre is to the southern boundary of the proposed site.

The proposed boundary trees are:

4 *Betula pendula*: silver birch

3 *sorbus aucuparia aspenifolia*: a variety of rowan / mountain ash

The trees are proposed to be planted within the edge of the proposed new hedging indicated as H4. The plan indicates native species hedgerows with no conifers indicated.

It is considered that the trees are acceptable choices. The trees are away from the common boundary on the edge of the proposed hedge. The birch is likely to be the larger of the trees but will take a good 20 years to get to 6-8m. Given that they are light leaved i.e. they do not have a dense canopy and do allow light through it is considered that these are acceptable in respect of the type of species and the planting location and they would not adversely affect the neighbouring property in terms of root damage or overshadowing.

6.3 Biodiversity

MCC Ecology have welcomed the retention of the majority of hedgerows, with existing vegetation being retained where possible, and a further 189m of hedgerow planting proposed with a more diverse mix compensates for any loss, improves habitat connectivity and contributes towards providing net benefit for biodiversity.

It is accepted that there are records of Dormice in this area to the north and south so there is an increased likelihood of presence at the site. However, it is concluded that given the extent of retained vegetation and the additional length of hedgerow planting proposed as part of the scheme the development would not be detrimental to this species. Appropriate Construction methods can be secured via a condition for a Construction Environmental Management plan (CEMP).

Regarding bats (reference to the high-quality bat landscape to the south of the property and to safeguard any potential roosts within Rosebrook or surrounding trees), MCC Ecology have required a condition to secure a lighting plan. This should ensure dark corridors to the wider landscape are maintained and only sensitive low-level PIR lighting is used on the dwellings. There was concern that the trees scheduled for removal had not been subject to an ecological assessment and therefore a method statement for tree removal was requested. It is accepted from review of the arboricultural assessment that the trees to be removed would have limited potential for bats, although as a precaution formal assessment would be undertaken as part of the CEMP.

Concern has been expressed by the neighbour regarding the absence of ecological assessment with reference to other species. MCC Ecology are satisfied that given the landscape being retained and the additional landscaping secured that this, coupled with the imposition of appropriate conditions securing a Construction Environment Management Plan, lighting design and biodiversity enhancement, would satisfy the requirements of national and planning policy. It is noteworthy that a specific requirement of the CEMP condition is to secure (Part c) of the proposed condition), "Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This is to include dormice, reptiles, amphibians, hedgehogs, nesting birds and bats (as necessary see a) above".

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The application has provided updated plans in response to this that identify the location, positioning and specification of features designed to provide net benefit for bat and bird species. This, together with the additional planting indicated on "Planting Proposals Plan Dwg ref. 20/743/01rev D", demonstrates that the scheme will provide net benefit for biodiversity. Compliance should be sought via these plans being listed as approved documents on the consent and through a compliance condition.

The proposals have the potential to increase phosphorus levels in the River Wye SAC and as such a Habitats Regulations Assessment has been undertaken.

The proposals were found to be likely to result in a significant effect, due to the in-combination effect of consenting 2 discharges to ground closer than 200m from one another and also closer than 200m from any other existing discharges (approx. 15 exempted discharges).

A full Appropriate Assessment in accordance with Regulation 63 was therefore undertaken, the findings of which are that the development would result in an additional two discharges that are within 200m of one another and closer than 200m from any other existing discharges (approx. 15 exempted discharges). It would also result in an increase in the density of discharges to 30 per km².

However, it is concluded that the capabilities of the proposed package treatment plants and the resultant Phosphorous levels are such that 360mg per day would discharge to ground. The system proposed is compliant with British Standards and it considered that given the distance to waterbodies, the SAC and the discharge rate that the development is unlikely to have an adverse impact on the integrity of the SAC. The details of the foul drainage system must be secured via

compliance with the approved drainage layout plan. The applicant will need to seek an environmental permit for the proposed discharges from NRW.

NRW's comments of the 28/09/21 agree with the LPA conclusion and state, "Based on the evidence in the AA we are satisfied you can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC))."

The proposal overall complies with Policy NE1 of the LDP subject to conditions securing a CEMP, lighting scheme and compliance with plans for ecological enhancement.

6.4 Impact on Amenity

There has been concern raised by the occupier of the neighbouring property to the east regarding overlooking and an over-bearing impact upon their property.

The usual guideline for a minimum separating distance between first floor habitable windows and the neighbouring boundary to a private amenity area is 10m, between directly facing first floor habitable windows the guideline is 21m.

There is one first floor bedroom window on the east elevation of Plot 2 facing towards the neighbouring property Half Acre. There is a separating distance of 10.8m from this window to the common boundary. There is an established conifer hedge along this common boundary, and it is proposed that this is to be controlled and the height reduced to 4m in height. The eaves height of the proposed dwelling is 4.6m, the hedgerow will therefore cover a significant part of the viewpoint from this window which, coupled with separating distance, will prevent there from being any significant adverse impact on neighbour amenity arising due to overlooking.

Plot 2 is set far back from the neighbouring dwellings with no overlooking from this side window into any habitable rooms in the neighbouring property. With regard to the front first floor windows, the privacy distance guideline of 21m between this and the neighbour's rear windows is more than exceeded. In addition, the mature 4m high conifers proposed to be retained along the boundary provide enough screening to prevent there from being any potential adverse overlooking into the neighbour's dwelling. A condition is proposed ensuring the retention of these conifers. As regards potential overlooking into the severed dwelling Rosebrook there are first floor bedrooms for both Plots 1 and 2 that are situated approximately 10m away from the common boundary and more than 21m from a habitable window in Rosebrook. In both cases any potential overlooking is minimised by the proposed boundary material which is a combination of a 1.8m high timber-stained privacy fence and hedgerow. This will help minimise the potential overlooking into the rear garden of Rosebrook. With Plot 1 it is just the one bedroom that is sited directly in front of the severed garden, the other front window serving bedroom 2 looks towards the drive. The privacy fencing and hedgerow will mitigate any adverse impact in this case. In the case of Plot 2 as well as the proposed boundary material, there is the benefit of existing trees to be retained (Weeping Willow and Walnut) that obscures viewpoint from the bedroom windows of this dwelling.

There are no privacy distances compromised in terms of the rear facing windows towards the neighbouring properties to the rear, the large conifer hedge that runs along the north-east boundary prevents any overlooking into the neighbouring properties to the rear.

Regarding potential disturbance created by the new access serving Plot 2 that runs parallel with the common boundary with Half Acre, the access has been stepped away from boundary and a new hedgerow and seven new trees are proposed adjacent to the boundary to minimise both noise and light disturbance from this new access drive. With regard to car emissions that have been raised as a concern by the neighbour, given the low flow of traffic serving just one property, coupled with the inevitable low speeds of traffic driving along this section of access and the separating landscape vegetation proposed, emissions are not likely to be of a level to unacceptably impact upon the neighbour's health or amenity in this case.

Plot 1 has just one first floor side window facing Plot 2 (serving Bedroom 4) and this looks directly at first floor at a blank wall (there are no first-floor windows on the west elevation of Plot 2). There is also no overlooking to the west of the site for Plot 1.

There have been amendments to the scheme during the consideration of the proposal to reduce the mass and scale of both dwellings. The proposed plots are set far back in the site taking advantage of the drop in floor levels, this helps to reduce the potential mass and over-bearing impact of the proposal. Whilst the same distances that minimise overlooking also provide a

considerable degree of separation to minimise any potential over-bearing impact. Additionally, the landscaping provided (existing and proposed) delivers further relief to the built form to ensure that the proposed development does not have an adverse over-dominating impact on neighbouring properties.

With regard to the proposed garages, for Plot 1 the side elevation is situated adjacent to the rear boundary with the severed dwelling. As the ridge runs east-west, the eaves are at approximately 2m height and rise up as they move away from the common boundary. A viewpoint will be achieved of the upper part of the garage from the severed dwelling, although the proposed privacy fence and hedgerow will screen part of this development. The location of the garage, coupled with materials and boundary materials result in this proposal not having an adverse impact upon the amenity of the severed dwelling. Also, the separating distance prevents there from being an impact upon the amenity of the future occupiers of Plot 2.

The garage for Plot 2 runs adjacent to the common boundary with the neighbouring dwelling Half Acre. The garage gable faces south with the lowest part of the garage facing the boundary. However, the garage is set in from the boundary and is screened from the neighbouring property by the existing conifer hedge that is being retained.

The neighbour has raised amenity as an issue in relation to the proposed surface and foul drainage. This is addressed in further detail under 'Drainage' below.

6.5 Highways

The highway authority has no objections to the proposed development, there is no objection to the accesses as proposed namely serving a new dwelling off the existing means of access that serves the severed dwelling and the creation of a new means of access off Watery Lane to provide vehicular and pedestrian access to a further property to the rear of Rosebrook.

Highways are satisfied with the details submitted in support of the application. The proposed new means of access will be required to traverse the adjacent drainage ditch / watercourse, so the applicant should ensure that they make the appropriate application to Natural Resource Wales (Internal Drainage Board) for the crossing of the adjacent watercourse and no development should commence until the applicant submits details of agreement and approval of the access bridge/culvert by Natural Resources Wales.

A pre-commencement condition securing a Construction Traffic Management Plan to be submitted is to be imposed. With regard to surface water from the highway, this will be a detail to be considered as part of the land drainage consent (NRW) and secondly the highway authority's requirement to traverse the highway pursuant to S184 of the Highway Act. Highways have suggested that if the neighbour wants further reassurance a further condition could be imposed requiring the applicant to take positive measures to prevent surface water from the adjacent highway draining into the application site, details to be submitted to the planning authority prior to development commencing; a condition requiring this detail is to be imposed.

Highways have directly addressed the neighbour's concern about the access serving Plot 2 not able to meet the required visibility splays in the following comments:

The existing means of access and proposed means of access as detailed are considered appropriate for access and egress onto Watery Lane, the highway authority in determining the suitability of the proposals has considered the following;

- o Watery lane is a narrow unclassified lane that in the opinion of the highway authority experiences very low traffic flows and traffic speeds.
- o The highway authority has no records of any recorded accidents on Watery Lane.
- o Visibility splays that reflect the likely traffic speeds are achievable, namely Y dimensions of 25 metres for 20mph and 41 metres for 30mph.
- o Due to the narrowness of the lane, vehicles travelling in a north-westerly direction on Watery Lane will be travelling in the middle or to left of the lane, therefore visibility for a vehicle egressing can be measured to the middle of the road.
- o Watery Lane has very good forward visibility in the vicinity of the existing and proposed means of access, therefore intervisibility between vehicle and particularly those egressing the residential drive is good.
- o I trust this clarifies the highway authority's determination as to the suitability of the existing means of access to accommodate the additional dwelling and the proposed means of access.

6.6 Parking

Each new dwelling provides the required car parking spaces for each unit and the necessary turning area. The neighbour has raised concern that this proposal does not show car parking for the severed dwelling, although it is clear on site that this proposal does not compromise the existing access that directly serves the severed property with more than sufficient space within the established curtilage for car parking to meet requirement and a turning area. This development does not compromise the safety of the access when it serves two dwellings.

6.7 Affordable Housing

The applicant will be required to enter into a legal agreement to secure an affordable housing contribution as part of this planning approval

6.8 Flooding

The application site is not within a flood zone, although the surface water drainage proposal has been assessed to ensure it does not result in a flooding problem elsewhere; this is addressed under surface water drainage below.

6.9 Drainage

The proposed drainage for this site has been subject to considerable investigations.

There are two drainage schemes proposed, one is surface water drainage which is to connect into the watercourse to the front of the site. The foul drainage is to be served by private treatment plants (PTPs) that discharge to ground. Full porosity tests have been undertaken and documented and the drainage fields have been identified on site. Both foul drainage and surface water drainage have been addressed in their respective paragraphs below.

6.9.1 Foul Drainage and Phosphates

Welsh Water have accepted that given the large separating distance from the application site and mains drains that it is not reasonable to expect the applicant to connect into the mains drains. Therefore, in terms of the drainage hierarchy connection to the mains drainage system is not practicable in this case. The applicant has therefore sought the next option which is a PTP serving each dwelling having regards to the drainage hierarchy set out in WG Circular 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants, July 2018'.

NRW issued a planning position statement in relation to SAC designated Rivers & Phosphates in December 2020 that set out their position in relation to new developments which may lead to further deterioration of the condition of the Wye River SAC. Any development within the Wye catchment that might increase the amount of phosphate within the catchment and lead to damaging effects on SAC features must be screened through a Habitats Regulations Assessment (HRA) to determine if the proposals are likely to have a significant effect on the SAC.

The proposal represents an increase in the number of discharges to ground in the area, which is at a higher density than 25 per km² and the discharges to ground are not at least 200m from one another or any other already permitted discharge. It was therefore necessary undertake a Habitat Regulation Assessment.

A Package Sewage Treatment Plant has been proposed, the applicant has provided that this will be a 7 Person One2Clean system from Graf UK Ltd with the Graf Professional +P package which is an optional module that includes a dosing pump. The certification for this system provides that the treatment efficiency is 95.1% and the level of phosphates in the effluent is 0.4mg/l. Correspondence from the drainage engineer provides as follows: "The Graf unit with Phosphate reduction reduces the phosphate to 0.4mg/l that would mean that under maximum occupancy the plant would discharge to ground 360mg per day. The ground has good permeability as recorded in the percolation test and there are no hydrological pathways to any watercourse which could expedite the path of any phosphate material to the watercourse. The site is discharging to a ground soakaway using phosphate reduction to mitigate and reduce any risk of phosphates and due to the ground and lack of hydrological pathways it will have no adverse effect and no increase in the phosphate levels in the SAC." The details of the system which is proposed to be built to the relevant British Standard can be secured as an approved plans as part of the consent.

The conclusion of the appropriate assessment is as follows:

In considering the Planning advice, in particular the in-combination effect, the development would result in an additional two discharges that are within 200m from one another and closer than 200m from any other existing discharges (approx. 15 exempted discharges). It would also result in an increase in the density of discharges to 30 per km². The capabilities of the PTSP and the resultant Phosphorous levels are such that 360mg per day would discharge to ground. The system proposed is compliant with British Standards and it is considered that given the distance to waterbodies, the SAC and the discharge rate that the development is unlikely to have an adverse impact on the integrity of the SAC. The details of the foul drainage system must be secured via compliance with the approved drainage layout plan. The applicant will need to seek an environmental permit for the proposed discharges.

NRW have agreed with the HRA conclusion. Based on the evidence in the AA NRW are satisfied that the local planning authority can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC)).

NRW have confirmed that the applicant has justified the use of private drainage systems for this proposed development and there are no further concerns in this regard. However, all relevant permits must be secured for the proposed development and NRW remind the applicant that it is their responsibility to secure all the relevant permits for their proposed development.

The specification of the treatment plants and porosity tests have been assessed by the statutory body, NRW and the Building Regulations Officer. In assessing whether the proposal is acceptable and that the scheme is likely to obtain Building Regulations a further report has been submitted at the request of the Building Control officer relating to a potential infilled ditch to the rear of the site (a concern raised by the neighbour in potentially compromising the suitability of this system). A hydrologist report was undertaken, the findings of which are quoted below:

Site Report by Wye Environmental Products and Services Ltd.

"Site Investigation to alleged ditch at rear of property The two plots are located in Watery Lane Monmouth on a garden site behind an existing house. The properties do not have access to mains sewers so must use an off mains sewage system. It has been alleged that there is a running ditch at the rear of the property that has been filled in. At the rear of the property there is a large conifer hedge planted. Behind that there is the original existing hedge and boundary line between the property and the new housing estate. It is assumed that the conifer hedge was planted at a similar time that the new houses were built to screen the existing site from the new build housing site. A test hole was dug next to the original hedge/boundary line in the area the alleged filled in ditch runs. A hole was dug by hand to around 1m deep. There was no sign of a filled in ditch or stone to fill a ditch in so that the water can flow in it. There was no sign of any groundwater and considering the day before had been very wet if there was any water flowing it would have been evident. The properties either side of the site were also visually inspected and there are no signs of a ditch".

MCC's Building Control Officer has confirmed that the drainage specialist has provided above and beyond the usual Planning requirements for justification of applying an off mains waste water solution to this application. The level of detail that they have gone into would be the level of detail required as a Building Regulation application.

As this is meant as a desktop study, it is concluded that the applicant has evidenced that their scheme is suitable for progressing beyond Planning and to a Building Regulation application.

It is noteworthy also that MCC Land Drainage Engineers have confirmed that they have no record of a drainage ditch at this location.

It is also relevant that this drainage system is subject to further scrutiny under other legislation, namely a separate SAB approval, and Building Control compliance.

The neighbour has raised concern about the proposed drainage fields being in close proximity to the septic tank that serves the severed property Rosebrook. The agent has confirmed that the septic tank is within the residential curtilage of the existing severed dwelling, thus providing the reassurance that there is a satisfactory separating distance between the proposed drainage fields and the existing drainage.

Finally, MCC Environmental Health have also looked at the scheme with a view to the potential impact upon the neighbour's (and future occupiers') amenity in terms of odours and noise. It is concluded that providing the foul / wastewater treatment system meets current Building Regulations / Standards, they do not anticipate an unacceptable risk / harm from noise, odour etc., to nearby residents. There is no objection to the proposed development from MCC Environmental Health.

6.9.2 Surface Water Drainage

Surface Water Drainage The proposed development site is within the Lower Wye Internal Drainage District (IDD). It is noted that the proposed development is proposing surface water discharge to watercourse. Greenfield run-off rate has been calculated as being as 2.5l/s per property (5l/s in total) which will convey at this rate to the watercourse.

NRW refer to the following information provided in the e-mail from the agent to the case officer dated 12 March 2022.

With regard the points raised in your email, please refer to the following commentary -

1. Does this site qualify for SAB approval from your Authority? It will do yes, MCC flood department have been in discussions with developer throughout on drainage works.
2. The drainage layout will need to state the maximum discharge rates from each pumping station. Referring to the calculations it appears to show a maximum rate of 5litres/ sec which is assumed to be from each pumping station. The combination of these discharges i.e. 10 litres/ sec, seems high for the size of development in question. Greenfield run off rate has been calculated at 2.5l/s / property and as such will convey at this rate to watercourse.
3. It will be useful to have a brief drainage statement on how the surface water system has been designed to ensure that the final discharge from the development into the adjacent Watery Lane watercourse does not increase flooding at this location and, further downstream until it joins up with the Main River. The storm drainage has been designed to attenuate water on the site and to discharge at the original greenfield run off rate, this will not increase the speed of water entering the watercourse above existing.

NRW have confirmed from this information and the drainage scheme submitted to date that there is no objection in principle to the proposed surface water drainage proposals subject to the applicant securing all relevant permits/ consents/ licences relevant to their application including Land Drainage Consent (LDC).

Again, this proposal will require full SAB approval and the surface water drainage will be subject to further scrutiny under this legislation.

The neighbour has raised concern about noise disturbance resulting from the outfall of surface water drainage onto the watercourse to the front.

There is a significant distance separating the outlet for both plots and the neighbouring property, and so it is very unlikely to represent a noise disturbance that will impact in any significant way upon the neighbouring property.

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

6.10.1 The following points have been raised by neighbours; they have been addressed in turn:

Administrative Inaccuracies

Neighbour:

The LPA currently treating DM/2019/01867 as a Reserved Matters Application [RMA] (published 13/11/2019) or a Full Planning Application (published 19/01/2021) but if so, what happened to the RMA? Was it determined and if so what was the outcome? Was it withdrawn by the Applicant and if so, when?

This submission was being treated as a Reserved Matters application, until it became apparent that the revision required to make this development acceptable by reducing the scale, bulk and footprint of the development took it below the scale parameters set in the outline application. It therefore had to be considered as a full planning application. The application kept the same reference, new application forms were submitted, and the development was changed to a full planning application. New consultations, neighbour letters and a new site notice was posted for

this proposal as a Full Planning Application.

Replacement of septic tank for Rosebrook

Neighbour:

NRW have noted in their comments dated 01/03/2021 that there is an existing septic tank registered within Rosebrook's curtilage and that it must have a substantial drainage field linked to it. It is therefore possible that a waste treatment plant of similar design to those for Plots 1 and 2 will replace Rosebrook's current system, adding to the discharge volume into the stream. The chances of nuisance caused by odours referred to in NRW's letter, will therefore increase by 50%.

Council Response:

This application does not include a change to the drainage arrangement for Rosebrook, the drainage proposal relates to the two new dwellings. Furthermore, the existing drainage would have been considered as part of the Appropriate Assessment undertaken in conjunction with MCC Ecology and NRW and will be assessed in more detail as part of the Building Regulations' Consent.

Privacy Distances

Neighbour:

I object to bedroom 4 window overlooking rear of our house and garden [P02D] why cannot beds 4 & 5 be combined to use proposed bedroom 5's window? DES1 b),c) and d) are to protect existing rights to privacy and amenity rather than facilitate future potential financial gain by developing a 5 rather than 4 bedroom dwelling?

Plot 2 is too close to Half Acre given Infill SPG para. 7.4, min distance 21m and para. 7.6. Greater distance may be necessary in suburban and rural locations, especially given the orientation of Half Acre and the Plot 2 dwelling. Plot 2 will overlook the part of the garden we use the most.

Council Response:

This is addressed in paragraph 6.6 'Impact on Amenity'.

Landscaping

Neighbour comment:

Object to the choice of tree species and planting position as it means all of root growth and most of canopy will be within Half Acre boundary and will damage Half Acre's fence and create unnecessary shade because of proximity and height. Why not use native species to match proposed 4m height of conifers?

Council Response:

The merits of the proposed landscaping scheme and the neighbour's objections are covered under paragraph 6.2.3 'Green Infrastructure and landscaping'.

Noise Nuisance, Light and Emission Pollution

Neighbour Comment:

New access results in car lights entering property, light and emissions from vehicles idling in the passing place c.3m from our main recreational area. There will be noise from vehicles passing c.3m away from our main recreation area along new drive that cannot be prevented by the intervening fence or vegetation. This is detrimental to our amenity given its present use as a garden.

Although management of sewage is declared as unknown it is reasonable to presume that pumping (noise) would have to be used to move untreated sewage into the Lilac Drive main sewer or output from WTP into the lane's stream

Council Response:

The proximity of the vehicular access and passing bay is addressed directly under Para 6.6 Impact on amenity'. This also addresses the issue of light and emissions.

With regard to the noise of pumping waste this comment related to the original proposal whereby it was proposed for the PTP to discharge to the watercourse to the front of the site. This scheme has been replaced, however the neighbour has raised concerns regarding the noise of the outfall into the drainage and this is addressed under 6.10.2 under Surface Water Drainage.

Increase in Traffic

Plots 1 & 2 have 5 bedrooms each. For this page of the lane this will represent a 25% increase in traffic volume with equivalent of 12.5% of present volume now passing Half Acres, passing within

c.3m of our main recreational area. This is detrimental to our amenity given the location.

Damage to conifer trees due to proximity of proposed development affecting tree roots.

The serious conflicts between the Proposed Drainage Plan RH01B and Planting Proposals Plan 20/743/01D will result in damage to Half Acre. For the conifers to be retained alongside garages (have positions of trunks been mapped?), severing by at least c.40% of the root systems (that do not have a tap root) in order to lay Plot 2's WTP red output pipe c.2.5m from our fence will severely weaken their ability to survive through nutrient loss; the plan to reduce their height from current +c.12m to maintained 4m will add to that stress especially if not done in correct season and create an unsustainable safety risk as trees will be unstable especially in bad weather.

Council Response:

There is a pre-commencement condition proposed that secures a CEMP to be submitted; this relates to trees on site and enables the Council to ensure method statements are in place to protect root areas of any vulnerable existing species. A further informative is proposed (BS 5837:2012 Trees in relation to design, demolition and construction) to provide further guidance on tree protection that supports the CEMP and highlights to the applicant what BS to consider to help to inform the development of the CEMP. Any construction / excavation works in the vicinity of roots and RPA's will be covered by a method statement to ensure appropriate excavation techniques are used to the recognised BS standards.

Out of keeping with the character of the area and over-development

Council Response: This is covered under 6.2.1 'Good Design' and 6.2.2 'Placemaking'.

Request for conditions covering potential damage and flooding to neighbouring property
Should the LPA authorise the application I request a condition that any damage to Half Acre's fence/ garden is made good and that a prior flood risk assessment is undertaken to evaluate the ground percolation properties after removal of the stumps/laying of pipework and any subsequent compaction.

The proposed development has been carefully considered with full regard to how the development could potentially affect the neighbouring property. All drainage proposed has been considered acceptable by the statutory bodies and internal consultees including NRW, Building Control and SAB Drainage. The development will be subject to further requirement in terms of obtaining SAB approval, obtaining the relevant permits from NRW and under the Building Regulations. In addition, conditions have been imposed including a CEMP and a CMP to control practices and ensure there is no wider impact from this development. The proposal did not require a Flood Risk Assessment; it is therefore not reasonable or relevant to request this.

Contamination Risk of Proposed PTP and potential impact upon neighbour.

Request that a declaration of the acceptability from a public health point of view, of the combined output from the WTPs serving Rosebrook, Plots 1 and 2 into the stream is made by a qualified person and included in the case file if the LPA is minded to approve the application. I believe that it is common knowledge that WTPs malfunction from time to time. Having a closed, sealed system does not avoid problems, resulting malodours or contamination that occur within the system.

Because of contamination risk, is this allowed even for sealed WTP unit knowing that surface water collects on a regular basis after heavy/prolonged rain so is not exceptional? What will be the ground heave effect for Half Acre's fence and local flooding (Plot 2 and Half Acre) following removal of tall tree 8 and plum trees?

Council Response: The proposed development has been carefully considered with full regard to how the development could potentially affect the neighbouring property. All drainage proposed has met with the satisfaction of statutory bodies and internal consultees including NRW, Building Control and SAB Drainage. The development will be subject to further requirement in terms of obtaining SAB approval, obtaining the relevant permits from NRW and Building Control.

Environmental Health have specifically addressed the issue of amenity, confirming that subject to the proposal meeting Building Regulations it will not adversely impact upon the amenity of neighbouring properties in terms of noise, smells etc.

If the Site and Drainage plans had been drawn properly the 4 drainage fields would be located in the hedge which is clearly not acceptable. As PDP does not show correct location and extent of hedgerow on NE boundary Plot 2 garden will be half size shown on PDP, inevitable compaction of the area through site working will lead to greater risk for Half Acre with surface water flow from Plot 2. As PDP shows red and blue pipes will discharge through 'hedge to be retained' shown on PPP, will damage to hedge be made good?

Council Response:

This has been rectified and the position of the drainage and planting is now shown on the most up to date plans listed as approved plans in this report.

Reposting of flawed plans and incorrect Certificates of Ownership

Without apparent regard to comments made by interested parties gives credence to these plans, adds to concerns regarding Certificates A & B expressed earlier that the application is invalid and should not have been assessed.

Council Response:

The agent has confirmed that the site is owned by Oecella, the shared access is owned by Rosebrook, a revised certificate adding the owners of Rosebrook to the Certificate C and notice has been served. The certification process is considered acceptable.

Surface Water Drainage

As no drainage channel is shown for length of Plot 2 macadam drive and passing area = +140sqm hard surface there will inevitably be flooding along the Half Acre perimeter (proximity and ground level difference and no ground porosity). Even without installed drainage channel surface water could also flow naturally along edge of macadam to proposed storage tank area and further adding to flooding in NE part of our garden and location of filled-in ditch not shown on P11F.

New crossing to plot 2 will allow surface water from the road to flow into neighbour's property at Half Acre. No flood risk assessment management plan.

No flood consequence report. Where will water discharge go? Bridge width of 3.6m is unrealistically narrow given facing earth bank and hedge preventing access e.g. desludging or construction vehicles. Increased width of bridge increases volume of runoff from road crossing or entering stream. No surface water management plan provided how will runoff from plot 2 drive and other hard surfaces be managed?

Object to the discharge of the WTP outflow into the stream adjacent to the new crossing. During heavy/prolonged rainfall so not exceptional flooding conditions. The risk of overspill especially if the culvert leading to Half Acre becomes blocked is much increased. Any discharge whatever the height of the pipe outlet above the stream is into a walled section of the stream and will result in noise disturbance from splashing; this is not aesthetic, and poses environmental risks especially as the discharge will be contained by the walled structure of the stream in this area.

Council Response:

Surface Water Drainage is to connect to the watercourse to the front of the site. Such details will be under particular scrutiny as this application will require SAB approval; this legislation will cover this matter in more detail. NRW have looked at the proposed discharge rates as the proposed development is proposing surface water discharge to watercourse. Greenfield run-off rate has been calculated as being as 2.5l/ s per property (5l/ s in total) which will convey at this rate to the watercourse. NRW have confirmed that they have no objection in principle to the proposed surface water drainage proposals subject to the applicant securing all relevant permits/consents/licences relevant to their application including Land Drainage Consent (LDC).

The principle of discharging such surface water to this watercourse to the front of the site has therefore been accepted in principle by NRW subject again to further legislation and a permit being obtained.

Surface water from the highway will be picked up in the detailed design to be submitted to firstly gain land drainage consent (NRW) and secondly the highway authority's requirement to traverse the highway pursuant to S184 of the Highway Act.

Surface water drainage is also subject to a SAB application which would thoroughly address the

concerns raised by the neighbour. There is a condition proposed that seeks approval of detailed design of the proposed new access point to ensure that there is no highway drainage that can drain back towards the application site or the neighbouring property.

Infill Ditch

The presence of the filled-in ditch along the north-eastern boundary must be acknowledged on the site plan. Planning officers have seen during visit the open ditch less than 9m from Plot 2's drainage field. Given the topography and clay soil type some of output must flow into it. Has the Council received assurance that this meets amenity/public health requirements? Unless the Council can provide assurance otherwise, I believe that they may have already misled official consultees by not alerting them to the presence of filled-in ditch along NE border of site.

Council response

The issue of the infill ditch in terms of its existence is addressed under 6.9.1 Foul Drainage. MCC Land drainage have looked into this and confirmed that from reviewing their mapping system, OS maps and our database of flood incidents they can find no references to a drainage ditch to the rear of the property in question.

The Applicant has submitted investigations into the potential of this being an infilled ditch and this report has demonstrated that there is no evidence that suggests this to be the case.

Retention of landscaping both existing and proposed

If the LPA is minded to approve this application please include a condition that a hedgerow of a reasonable height is maintained in perpetuity around the site. I make this request because there is no commitment in the Planting Proposals Plan 20/743/01C to ensure the long term existence of any newly-planted trees or to replace existing trees or other new or existing hedging that may die e.g. through height cut-back stress of conifers. The cover provided by the trees and bushes to the rear of our property is particularly important to that wildlife and we are anxious that this remains untouched during the proposed building of the two new houses.

Council response:

A condition ensure the retention, protection and replacement where required of existing landscaping with the following condition:

None of the existing vegetation shown as being retained on Planting Plan 20/743/01 Rev D shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or willfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

There is further protection of existing landscaping through the protection provided by the condition securing the CEMP and the further arboricultural conditions that are proposed.

Whilst in relation to the proposed landscaping the following condition is applied:

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.

Visibility splays and Rights of owners to cut down growth in the visibility splay

The land owners of Rosebrook, Half Acre and the proposed new access to Plot 2 have riparian responsibilities to maintain the area adjacent to the stream up to a distance of halfway across the stream. The local authority has responsibility for maintaining the other half. Part of these responsibilities is the maintenance of vegetation, to prevent encroachment onto the adjacent highway or blockage of water flow, for example. Account has also to be taken of matters such as the bird nesting season that may restrict the frequency of cutting back. Without a specific legal agreement between two adjacent land owners (approved by the LPA), one land owner does not have a responsibility in law to maintain vegetation that encroaches on a visibility splay relating to a junction to the other land owner's property.

Photographs provided where the new crossing to Plot 2 will be located, the growth of the holly and other vegetation (during the 3 years or so since that area was last maintained) has grown beyond halfway across the stream. Even after recent maintenance, the vegetation still crosses the blue line which is shown to follow the NE stream wall. Any growth beyond the NE stream wall will obscure the 'vision' line drawn towards the north-west on P35 meaning that the requirements for visibility splays in Manual for Streets 7.7 cannot be met. The width of the broken blue line equates to c.20 cm (IDOX measurement). The NE edge of the blue line touches the 'x' point and thus leads the eye away from the actual 'vision' line.

Conclusion: The junction leading to Plot 2 is unsafe because it does not meet Manual For Streets visibility splay requirements.

Council response:

MCC Highways have directly addressed this point under paragraph 6.7 Highways

Increase in traffic flows on Watery Lane

Since MCC Highways last commented on the capacity constraints of Watery Lane there has been a marked increase (especially) in pedestrian and non-vehicular traffic (all types of ability) during the Covid pandemic. Residents of the Wonastow Road Estate are using it as a short-cut into town, during daylight and with a torch, presumably because it is a safer alternative than walking along the Wonastow Road. The road serves as the means of access to several business properties meaning the increase in delivery traffic (including servicing the needs of people working from home) is beyond that assumed for an average dwelling; the vehicles used by the businesses are additional. MCC Highways have issued an alert about the capacity limitations of Watery Lane. I believe that there is a need for a new road capacity assessment as part of this new application. The likeliest cause of an accident is excessive speed or from a passing large vehicle (especially agricultural ones) with an overhang that hits a pedestrian or infant in a pram waiting at one of the narrowest pinch-points where there is no convenient refuge such as an access to a property. Watery Lane is a route into town for its residents but is also being used by residents of the Wonastow Road estate including schoolchildren who possibly feel it is more convenient and safer to cross fields than use the main road. Recreational use of the lane by people of all ages and physical ability from the local area has increased greatly possibly through habits developed during the pandemic. As part of Offa's Dyke national walking route its popularity has also increased.

Incomplete consideration of the highway. MCC Officers describe Watery Lane as being an unclassified rural single lane road. This is incomplete without mention of it being a cul-de-sac without turning area or that Watery Lane falls within the definition of a street in Manual for Streets para 2.2 that further explains a lane in a rural area may also serve other recreational functions.

Council response

MCC Highways have fully assessed the proposed access as covered in paragraph 6.7 'Highways'.

In summary, Watery Lane is a narrow unclassified lane that in the opinion of the highway authority experiences very low traffic flows and traffic speeds. The highway authority has no records of any recorded accidents on Watery Lane. The existing means of access and proposed means of access as detailed are considered appropriate for access and egress onto Watery Lane.

Car Parking Spaces shown in Rosebrook:

Highways has not reviewed any site plan (or PPP 20/743/01C) that shows vegetation at the new junction or a *complete* visibility splay to the south Their last review was of Site Plan P11A 24/01/2020 so before 18Jan2021 DM/2019/01867 validation date. Cross-reference was made to the Outline Application. The review was flawed because it failed to mention that plan P11A did not show parking places in the severed property Rosebrook being a requirement according to the outline application (OA) case report for compliance with MCC parking policy. I provided my reasoning on why a car parking area for the severed dwelling Rosebrook should appear on the site plan; this is because it was a material matter covered in DC/2017/00188 case report so why not for this application?

It creates a new junction with an existing drive that has been authorised to serve just one dwelling (Rosebrook) with a new point of traffic conflict, behind a holly hedge, at a now shared access for the severed Rosebrook and needs to be assessed accordingly for road safety in regard to Watery Lane users and residents served by the access.

If the parking arrangements for the severed Rosebrook are not clarified it appears possible for Rosebrook's occupants to continue parking vehicles in the drive thus restricting the effective width of the access area making it unsuitable for multiple use (compare the LPA's reasoning for not allowing, in the Outline Application, an access from Plot 2 into a separate parking area)

Council Response:

The Highway Authority are satisfied that the parking provision of the host property Rosebrook and the single dwelling to be served off the existing access is satisfactory and in accordance with the MCC Car Parking Standards. Unfortunately the Highway Authority has no control as to how this is managed by the respective householders. At the planning stage, provided that it can be demonstrated that the requisite car parking can be provided on site, we cannot offer an objection.

Obstruction of Visibility splay

Panelled fencing up to edge of stream means forward visibility distance cannot be met. The junction is therefore unsafe.

Council Response:

The proposed fence stops short of the visibility splay.

Inadequate room for Turning Area

Width of drive and no room on Watery Lane for creating greater turning circle mean that medium/ long wheelbase vans and larger vehicles cannot enter drive.

Council Response:

The width of both accesses and the turning area within the curtilage of both plots and that of the severed dwelling facilitates the access and manoeuvring of a long wheelbase van.

Compensatory

planting

Improved soft landscaping needed to replace conifers already removed alongside plot's 2 drive and compensatory planting for removed plum trees.

Council Response: There are 14 additional trees proposed as part of the landscaping scheme, with seven new trees proposed along the boundary between the access and the neighbouring property Half Acre. There are five new trees proposed along the northern boundary with the neighbouring property Bryngwyn and two additional trees provided between plot 1 and the severed dwelling Rosebrook within the hedge boundary. A hedgerow is the proposed boundary material separating plots 1 and 2. This represents a significant net gain in terms of trees and hedgerow.

Impact on Local Ecology

Local Ecology will be adversely affected and not enhanced. If P11D is approved without change several metres of hedgerow will be removed with significant negative consequences (it is a nature corridor and habitat/roosting area for multiple species) as will loss of large and other sycamores (possible dormice habitats) and plum trees (pollinators); no compensatory planting has been proposed.

Site Plan P11D does not show: the correct position/extent of the hedgerow along the NE site boundary; the filled-in drainage ditch along the NE site boundary; the holly hedge running along Rosebrook frontage; the vegetation in Half Acre alongside entrance to new drive; the direction north.

No ecology report. As this is a new application why has the Applicant not provided an Ecology Report for the Rosebrook site. There is precedent and relevance as the same Applicant has provided an Ecology report for another site Rockfield Road, 500m away currently under assessment DM/2020/01391 that includes RBK see Plans1 and 2 within the

two zones outside the actual site that it examined.

Council Response:

This is addressed under paragraph 6.5 'Biodiversity'.

The revised plans now work alongside each other showing the correct position of the boundary. The landscape plan shows that majority of hedgerows are to be retained and there will be significant new hedgerow planting, amendments to provide a more diverse mix have been made and this has been welcomed by our ecologists (the landscaping/planting plans show that the existing hedgerow to the north, south and east boundary is to be retained. The only hedgerow to be removed is the small section that is removed to create a new access to serve plot 2. New hedgerow planting is proposed around the boundary of the severed property, this extends to the driveway of plot 2 to the ditch to the front of the site).

Robust conditions would be imposed relating to a CEMP, lighting design and biodiversity enhancement along with compliance sought via the plans being listed as approved documents on any planning consent.

Neighbour Request for additional Information

Could I please ask that the report assesses the impact that all the excavations on site will have on the existing water flows both above and below ground. Will soil be removed from site? Will ground compaction change contours? What effect will the excavations necessary to create the building/drive foundations, landscaping and WTP drainage fields have on these existing water flows especially that for Plot 2 because the whole surface root system (that must contribute significantly to natural drainage presently) of a tall mature sycamore Tree 8 will have to be removed.

Council Response:

A hydrology report has been submitted in response to neighbour's concerns regarding drainage. It has been concluded that this is more than a sufficient level of detail to enable the proposal to proceed to Building Regulations.

It is not reasonable to require further studies to be undertaken when all the relevant statutory and advisory bodies are satisfied with the information provided to date, and both foul and surface water drainage will be subject to further scrutiny under separate legislation.

Increase in flood risk

As presented, RH10B demonstrates that surface water and WTP output will increase the risk of local flooding contrary to TAN 15. The drainage fields will not function properly and will therefore pose a risk to public health and the environment.

In order to construct Plot 2's drainage field, a tall (20-25m?) sycamore Tree 8, will have to be felled. This will change the percolation characteristics of the ground to a depth of 50-100cm (?) and will lead to the creation of a sump in the surrounding clay when the drainage field is created. Given the depth of the excavation and its proximity to the filled-in ditch and the relatively flat ground surface, the two will interconnect in my opinion.

It is very difficult to understand how a test hole for Plot 2's drainage field could be sunk so close to Tree 8's trunk and root system. Reference sources reveal that whilst a sycamore has a deep tap root, it has an extensive root system close to the surface. It is my opinion that currently, the sycamore is making a significant contribution to drainage in the area where Plot 2's drainage field will be located. Removal of Tree 8, without the installation of a drainage field can only increase the risk of local flooding.

Council Response

The porosity tests and drainage information submitted provide the information required to satisfy Building Regulations that the proposal is acceptable for Planning, but as stated before the development will be subject to Building Regulations Approval for foul drainage.

Habitat Regulations Assessment Record:

I believe that the following statements in this report need to be checked as they are materially relevant to the conclusion that the proposed drainage scheme is acceptable.

HRA 5.1 states "The ground has good permeability as recorded in the percolation test ..." The site report dated 06/04/2021 Tim Fycum, used to reach this conclusion, needs to be published in the case file because of the contradiction with the statement made in Drainage

Strategy published 10/02/2021 that says "Drainage strategy for Land at Rosebrook. Following percolation tests on the land it was found that there was no percolation available. We have therefore gone for a pumped solution into the Brook as the water will be clean surface water and treated foul water due to there being no proximity to the local sewer system..."

Council response

Report by Tim Fycum is published on the case file; these percolation tests supersede the statement given in the drainage statement, as new tests were undertaken at a different depth. Building Control are satisfied that these test results are acceptable.

Neighbour Comment

HRA 5.1 continues "... and there are no hydrological pathways to any watercourse which could expedite the path of any phosphate material to the watercourse" How can this be true when the now NRW assessed (for DC/2009/00268) the ditch as a watercourse that joined Watery Lane stream by Southern Wood? [see 2.7 above] Even though the ditch is now filled-in along the site boundary it is extant elsewhere and still functions as a conduit for water-flow below ground and more recently surface flows at times of heavy or prolonged rain. I believe that the distance to the nearest watercourse is at best 4m [see 2.6 above] making the statement "The distance to the nearest watercourse is 70m (advice states over 40m unlikely pathway for impacts)" questionable.

Council Response:

This ditch is assessed and addressed under Para 6.9.1 Foul Drainage.

MCC Land drainage have looked into this and confirmed that from reviewing their mapping system, OS maps and the database of flood incidents they can find no references to a drainage ditch to the rear of the property in question.

The Applicant has submitted investigations into the potential of this being an infilled ditch and has demonstrated that there is no evidence that suggests this to be the case.

Neighbour comment:

The statement, "Your authority must be satisfied that the proposed drainage field is built to the relevant British Standard 6297:2007+A1:2008. You may wish to consult your Building Control colleagues to ensure this is the case. In general, the soakaway system (within 30m laterally and 1.5m depth) does remove phosphorous (P) from effluent effectively unless it is compromised by enhanced hydrological connectivity such as that caused by direct discharge to a waterbody, local drainage channels or a high-water table".

The consultees appear to be unaware there is a high water-table and P removal will be less effective and needs to be assessed accordingly and the filled-in ditch is a local drainage channel because it meets the description of 'permeable drain' in the Building Regulations

Council Response:

This is also addressed in 6.9.1 Foul Drainage above

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

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

6.12 Conclusion

6.12.1 This application has been subject to ongoing changes and consultations. The principle of residential development is acceptable. The details of the proposal have been subject to changes to ensure they meet with the requirements of planning policy, supporting information has been submitted to satisfy the requirements of statutory consultees. In terms of design the proposal has been revised, the scale and footprint has been reduced to enable the development to be comfortably on the site, whilst extensive landscape and biodiversity enhancements have been added to ensure that the

development is softened and works within the context of Watery Lane. The level of information is such that the proposal can be recommended for approval subject to conditions that secures compliance and the submission of additional information. The proposal still has to meet other legislation, although for the purposes of this planning application the necessary level of information has been received and concludes that the proposed development is acceptable and complies with the requirements of planning policy.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

Contribution towards Affordable Housing calculated as follows:

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x
58% Commuted Sum Rates Monmouth - £100/m²

The figure of 58% in the examples below is the amount that the landowner/developer would fund were the units to be delivered on site. The Registered Social Landlord

(Housing Association) would fund the remaining 42%.

In this case, the proposal would be the Internal Floor area (280m² per plot) x 100 m² x
58% Total Contribution = £16, 240 per plot.
Total = £32,480.

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 (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities. (including appropriate assessment of trees for bat roost potential)
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). To include dormice, reptiles, amphibians, hedgehogs, nesting birds and bats (as necessary see a) above.
- 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.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

NOTE See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

5 The biodiversity net benefit features illustrated on "P11 Rev F Proposed Site and Landscape Plan", "P01 Rev C Plot 1" and "P02 Rev D Plot 2" drawn by dpw shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the buildings.

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

6 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

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

7 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 Watery Lane and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining user 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 a satisfactory form of development in accordance with LDP policy EP1 and MV1.

8 None of the existing vegetation shown as being retained on Planting Plan 20/743/01 Proposed Planting Plan Rev D shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or willfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

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 Policy LDP G11.

9 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.

10 Prior to development commencing on site, a scheme showing the surface water arrangement between the highway, the proposed new crossing serving plot 2 and the

application site shall be submitted for approval by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure highway surface water drainage does not drain onto the application site in accordance with Policy EP1 of the Local Development Plan.

11 Retained trees will be protected in accordance with the recommendations of the Tree Survey with notes on Arboricultural Impact and Tree Protection dated 25th September 2018.

REASON: To ensure the protection from harm and to ensure the long-term retention of valuable landscape features in accordance with Policy S13 Landscape, Green Infrastructure and the Natural Environment

12 Tree protection barriers will be installed before the commencement of the scheme and may only be removed temporarily for access purposes and with the express written permission of the local planning authority. In the event of the barriers being removed, adequate ground protection measure will be installed to prevent ground compaction

REASON: To ensure the protection from harm and to ensure the long-term retention of valuable landscape features in accordance with Policy S13 Landscape, Green Infrastructure and the Natural Environment.

13 No development shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for:

- 1) Supervision and monitoring of the approved Tree Protection Plan;
- 2) Supervision and monitoring of the approved tree felling and pruning works;
- 3) Supervision of the alteration or temporary removal of any Barrier Fencing;
- 4) Oversee working within any Root Protection Area;
- 5) Reporting to the Local Planning Authority;

REASON: To ensure the protection from harm and to ensure the long-term retention of valuable landscape features in accordance with Policy S13 Landscape, Green Infrastructure and the Natural Environment.

INFORMATIVES

1 SAB INFORMATIVE: Following the implementation of the The Sustainable Drainage (Approval and Adoption) Order 2018 the applicant will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site appears to be in excess of the 100m² threshold. Total construction area includes existing buildings that are being replaced, removed or patio/driveway areas. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.

2 The Applicant must make reference to BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection (CEMP condition)

Application Number: DM/2020/00933

Proposal: Detached double garage with storage space over

Address: The Gables, Wainfield Lane, Gwehelog, Usk

Applicant: S. Matthews

Plans: PL 01 - A, OS Map - , LSC01 - A

RECOMMENDATION: Approve

Case Officer: David Wong

Date Valid: 16.07.2020

This Householder planning application is presented to Planning Committee due to a request by the previous Ward Member Councillor Val Smith

This is one of two Householder planning applications at The Gables that will be presented to Planning Committee

1.0 APPLICATION DETAILS

1.1 This application seeks planning permission for the erection of a detached double garage with storage space at the upper floor and the concurrent application (DM/2020/01288) is a retrospective planning application for the retention of a plant room, a retaining wall, an oil tank and a garden shed. It is useful to note that this application has been amended so that the plant room will form part of the proposed garage.

1.2 The Gables is situated along Wainfield Lane within the village of Gwehelog, which is allocated as a Minor Village within the Monmouthshire Local Development Plan (LDP). This property was originally a dormer bungalow, and it was extended and modified via planning permission DC/2017/00134 (Alterations and Extensions to Existing Detached Dormer Bungalow).

1.3 The proposed garage has an upper level for ancillary storage and will be located on the forecourt of the property. As part of this application, it is proposed to regularise the unauthorised plant room (a flat roofed building), which has been built without planning permission. After a series of negotiations, the design of the plant room will be modified to address a pollution/ amenity concern from the neighbours and the Council's Environmental Health Department. Essentially, the latest scheme will divert the location of the existing boiler flue some 4m further away from the adjoining property, Ty Cerrig.

1.4 The proposed garage has two bays and will measured some 7.3m wide, 6.2m deep and 6m to the ridge. Under the latest scheme, the roof of the plant room will be become an integral part of the proposed garage i.e. in the form of a lean-to to the back of the proposed garage. The proposed external finishing materials include roof tiles, horizontal timber effect cladding and render to match with the main house. In addition, thermal solar panels are proposed on the front roof of the proposed garage.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2018/01642	Non material amendment to previous application DC/2017/00134 - To raise existing ridgeline by 300mm only to improve internal circulation areas and room heights to loft areas.	Approved	30.11.2018
DM/2020/00933	Detached double garage with storage space over.	Pending Determination	
DM/2020/01288	Application for retrospective approval of plant room, retaining wall, oil tank and garden shed as built.	Pending Determination	
DM/2020/01341	NMA to obtain approval of as built central bedroom dormer against original design, for two separate dormers and as indicated on supporting drawing. (Relating to DC/2017/00134).	Pending Consideration	
DC/2017/00134	Alterations and Extensions to Existing Detached Dormer Bungalow	Approved	13.04.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

EP3 LDP Lighting
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Gwehelog Community Council - The community council objects to the application:

The community council comments that the distance from the neighbour's boundary appears to remain an issue.

The issues around drainage remain unresolved.

There has been removal of established hedging and bushes which should be replaced and with native species.

The height of the garage is high and given the extensive size of the garage why does it require storage space above?

The scaling and measurements are vague and lacking in detail.

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.

MCC Tree Officer - No objection. A site inspection was conducted. It was noted that the works in relation to the plant room and the fuel storage tank are in close proximity of the Oak tree near the boundary and it is likely root damage has occurred. However, there is no tree preservation order in force at this site. It is the intention to site the new garage within the retaining wall, where the site level is significantly deeper than 600mm and well below where roots would normally be found. In the absence of roots on this side of the tree no further arboricultural information is necessary.

MCC Biodiversity - I have reviewed the applications, photographs, aerial imagery and the local records centre data for this area and do not consider that an ecology assessment is necessary. No objection. Relevant conditions are requested.

MCC Environmental Health - Based on the plans and the fact that the existing flue is being moved 4.2m inwards away from the boundary of the neighbour's property and is being raised to second storey level, Environmental Health have no objections to this application.

MCC Building Control - The matters in relation the installation of combustion appliances and fuel storage systems are covered by the Building Regulations Approved Document J, which is subject to a separate application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

There are more than five neighbour objections received and they summarised below:

5.2.1 The Submission

- Inaccuracy of the submission
- Information missing from plans
- Not enough information given on application

5.2.2 Local Plan

- Conflict with local plan

5.2.3 Design

- The proposal is out of scale and character
- Development too high
- The proposal does not respect the front building line
- Over development
- More open space needed on development

5.2.4 Residential Amenity

- The proposal will affect the neighbouring properties
- Loss of light

5.2.5 Highways

- Inadequate access and parking provision
- Traffic on Highways

5.2.6 Building Regulations and Environmental Health

- The proposal will not be allowed under building regulations due to the proximity of the oil tank
- The proposed new location for the boiler flue seems unacceptable
- Noise nuisance

5.2.7 Drainage

- A SuDS application is required where the construction area is 100m² or more

5.2.8 Biodiversity/Ecology

- Affect local ecology
- The compensatory tree planting is not specified
- Insufficient landscaping detail to evidence compensation for the loss of the ecological resource
- There is no detail of biodiversity enhancement specification or heights shown as requested by the biodiversity officer.

5.3 Local Member Representations

Previous County Councillor - Councillor Val Smith: Reason: Affect local ecology. I am concerned with the scale and siting of proposal and other activities at location. Request application is presented to Planning Committee if recommendation is for approval.

6.1 EVALUATION

6.2 The Principle of the Proposal/Monmouthshire Local Development Plan

6.2.1 Gwehelog is designated as one of the Minor Villages in the LDP. Some neighbours have referred to the Supplementary Planning Guidance (SPG) Infill Development relating to LDP Policy H3. This SPG is related to new infill residential development and not for the erection of outbuildings within the curtilage of a dwelling. There is no specific policy within the LDP that restricts the erection of outbuildings within the garden curtilage of existing residential properties in these villages. Therefore, this application will be treated on its own merits.

6.3 Good Design/ Place making

6.3.1 The Gables had been extensively extended and altered and it now has a contemporary design. In terms of the character of the area, properties along Wainfield Lane have various architectural design, shape, size and scale. Thus, there is a mixed pattern of properties in this part of Gwehelog and there is no development pattern to which any new development proposals ought to have regard.

6.3.2 Some of the neighbours have referred to this proposal as being out of character, too high and out of scale. The proposed garage has a contemporary but simple design that does not look out of character, against the backdrop of the host property that features a similar contemporary design. Therefore, it is considered that the design of the proposed garage is visually acceptable in this instance.

6.3.3 The proposed garage will be visible from the public realm. However, it is not unusual to see other properties with outbuildings/ garages along Wainfield Lane and it was noted that there are two other properties along Wainfield Lane with garaging/storage structures right next to the highway. Therefore, this is not considered to be a substantive reason to refuse this application.

6.3.4 The proposed garage has an upper floor and so it is a two-storey building. The proposal will be visible from Wainfield Lane. However, due to the topography of the site, the building will be 'sunk down' below the highway. Therefore, the resulting visual impact will be lessened accordingly. There is no doubt that the proposal will be visible from the highway and the appearance of the site will look different from its current form. However, this change does not warrant a refusal in this instance.

6.3.5 It is considered that the size of the proposed garage is acceptable, and it would be read as a secondary element to the main property. The proposed development is not overdevelopment of the site and there will still be ample space at the forecourt area of the property. In terms of the proposed external finishing materials, they will match with those of the host dwelling, which is visually acceptable.

6.3.6 Given the above, the proposal is considered to be acceptable sitting alongside the host property as the backdrop. Therefore, the proposal would be in accordance with Policy DES1 of the LDP.

6.4 Historic Environment

6.4.1 The site is not within a Conservation Area and the property itself is not a listed building. The site is not within an Archaeologically Sensitive Area and not within/adjacent to a Registered Gardens and Parks.

6.4 Impact on Residential Amenity

6.4.1 In terms of neighbour amenity, the proposal is two-storey high and will be located close to the boundary. Therefore, the proposal will certainly alter the view for the neighbouring property, Ty Cerrig. However, the separation distance between the proposal and this property is some 16m. Consequently, it is considered that there is a sufficient intervening space so as not to cause a significant overbearing impact towards Ty Cerrig. In addition, loss of a view is not a planning material consideration.

6.4.2 In terms of overshadowing impact, based on the location, size, height and the separation distance of the proposal, no significant impact of this kind is anticipated. The privacy of the occupiers of Ty Cerrig will be protected as there will be no new window openings facing towards them.

6.4.3 There are other existing neighbouring properties to the east and south of The Gables. Due to the orientation, topography of the site and the separation distance between the proposal and these properties, no overlooking, overbearing or overshadowing impacts are anticipated. Given the above, there would not be any significant harm caused by either overlooking or overshadowing of nearby properties, which is in accordance with Policy EP1 of the LDP.

6.5 Access / Highway Safety

6.5.1 There is no change to the access arrangement of the site and there is ample space for parking and turning for vehicles within the forecourt area of the property. The proposal is an ancillary garage with storage space above to serve the property. Therefore, the resulting traffic movement generated by the proposal is not likely to cause a significant adverse impact upon the highway safety of this part of the village.

6.5.2 It is considered that the proposal is small scale and there is plenty of space within the forecourt area of the property for storing building materials. In addition, the proposal in question is small scale and the construction phase is likely to be short-lived. Therefore, it is not proportionate to request a Construction Traffic Management Plan in this instance.

6.6 Biodiversity

6.6.1 There is no objection from either the Council's Tree Officer or Biodiversity Officer. The Tree Officer had inspected the site and acknowledged that there is an Oak Tree within close proximity of the recently erected plant room and the fuel storage tank. Therefore, it is likely root damage has already occurred during the construction. However, there is no tree preservation order in force at this site. It is the intention to site the new garage within the retaining wall, where the site level is significantly deeper than 600mm and well below where roots would normally be found. In the absence of roots on this side of the tree no further arboricultural information has been considered necessary.

6.6.2 The Council's Biodiversity Officer had reviewed the application and advised that an ecology assessment is not necessary in this instance. However, the application site is in a relatively high-quality landscape for bats and will therefore need to secure an appropriate lighting strategy as part of any consent granted to protect bat foraging and commuting corridors from light spill. In addition, the Tree Officer had concluded that it is likely root damage has occurred and has recommended compensatory tree planting, with at least three specimens of native provenance, is undertaken in the grounds of the application site, which can be secured via an appropriately worded condition.

6.6.3 In terms of the Biodiversity Net Benefit, it is recommended that at least two options for bats and two options for birds are included, which can be secured via an appropriately worded condition. Given the above, the proposal is in accordance with Policy NE1 of the LDP.

6.7 Environmental Health and Building Regulations

6.7.1 Some neighbours are concerned about the level of noise from the resulting development. Therefore, both the Council's Environmental Health Department and Building Control were consulted.

6.7.2 The Council's Environmental Health Department has confirmed that the location of the existing flue will be moved some 4.2m inwards away from the boundary of the property and the outlet will be raised to second storey level. In the light of this, Environmental Health has no objection to this application.

6.7.3 Building Control consider the physical build itself. These are legal standards set out by the government for every aspect of construction. These cover everything from health and safety on site to the energy efficiency of a new house. The Council's Building Control Department advised that the matters in relation the installation/modifications of combustion appliances and the fuel storage systems are covered by the Building Regulations Approved Document J, which is subject to a separate application. Planning permission and Building Regulations approval are two separate processes. They concern two different elements of the law and the applicants will need both to proceed with their development. From the planning perspective, there is no substantive reason to refuse this application and the applicants will be reminded via informative that they will need both to proceed with their development accordingly.

6.8 Sustainable Urban Drainage System

6.8.1 From January 7th 2019, all detailed applications for residential development or where the construction area is 100m² or more, will require Sustainable Drainage Systems for surface water (SuDS), to be designed and built in accordance with the statutory standards. The construction area of the proposed garage is less than 100m².

6.8.2 This is one of two Householder planning applications at The Gables. There is no new hardstanding being proposed under the concurrent application, which is related for the retention of the plant room (which is now related to this application), a retaining wall and a garden shed. Therefore, strictly speaking, there is no new construction area under that application (DM/2020/01288) as the buildings and the retaining wall are already in place. However, assuming that these structures don't exist and are treated as being currently proposed, the overall combined construction area of the two applications is still below the 100m² threshold. Therefore, a SuDS is not required for this application.

6.8.3 Although not a requirement, the applicants have submitted a surface water drainage scheme to accompany this application. It is considered that this is a positive approach to manage surface water of the site.

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

6.9.2 Some of the neighbours have objected to the lack of details and the level of accuracy of the submission. From the planning perspective, it is considered that the submitted information does

provide sufficient information to inform the planning decision. In addition, it is beyond the planning functions to cross-examine boundary issue and landownership matters.

6.9.3 All other matters raised through the consultation exercise have been addressed in the above sections of this report and therefore no duplicate commentary is necessary.

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

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

6.11 Conclusion

6.11.1 For the reasons detailed in Section 6 of this report the development is considered to accord with the relevant policies of the adopted Local Development Plan (as identified in Section 3) as well as all other material planning considerations subject to the conditions set out below.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 Prior to commencement of any construction works a detailed plan of proposed biodiversity compensation and enhancement illustrating "net benefit features" to include at least tree planting

of three specimens of native provenance, and two bird nesting and two bat roosting provision identifying location, positioning and specification. 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.

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

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 Lighting

I would recommend the applicant reviews and applies the below guidance document, in particular pages 18 and 19, for best practice on lighting.

Lighting guidance

Biodiversity Net Benefit

Provision of a bat and bird box on the garage would be suitable. The plant room is not however suitable for enhancements, and therefore measures could be provided on the main property, or alternatively on trees within the site (or a mixture).

Bat roosting options:

Integrated provision:

- integrated bat box provision such as 'Schwegler bat tube', 'habitat' or 'Ibstock type c'.
 - a bat access tile or a couple of raised ridge tiles, ensuring a Bitumen 1F liner is used.
 - Access to soffits boxes/behind bargeboards via a small gap (15-20mm) between soffits and wall
- Sites such as NHBS have a number of options, but there are other retailers.

Integrated bat options

Or external provision:

- bat box provision such as a bat cavity roost box, (Example - Beaumaris Woodstone Cavity box or similar)

Sites such as NHBS have a number of bat roosting options, but there are other retailers.

External bat options

If a box/boxes are opted for these would ideally be located on a southern aspect, and at least 4 m high (however on this occasion if provision is made on the garage then the western aspect would be most appropriate due to the lower eaves and garage doors on the south side). They should also be located away from any lighting.

Alternatively, provision for bats could be made on mature trees within the site ownership, boxes such as 2F Schwegler bat boxes are suitable for installation on trees.

Bird nesting options:

I would suggest provision for House Sparrows or Starlings, both are listed as Section 7 species, under the Environment (Wales) Act 2016 as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. We recommend that woodcrete options are considered as they provide long term provision.

These ideally would be located on a northern aspect, and at least 2.5 m high (however on this occasion if provision is made on the garage then the eastern aspect would be most appropriate due to the proximity of the ground on the north side).

Sites such as NHBS have a number of options, but there are other retailers.

Bird nesting options

Alternatively standard size nest boxes (32mm) such as Schwegler 1B or similar could be installed on suitable trees within the site.

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Application Number: DM/2020/01288

Proposal: Application for retrospective approval of plant room, retaining wall, oil tank and garden shed as built

Address: The Gables, Wainfield Lane, Gwehelog, Usk

Applicant: Simon Matthews

Plans: PL01 - A, OS Map - , LSC01 - A,

RECOMMENDATION: Approve

Case Officer: David Wong
Date Valid: 07.10.2020

This Householder planning application is presented to Planning Committee due to a request by the previous Ward Member Councillor Val Smith

This is one of two Householder planning applications at The Gables that will be presented to Planning Committee

1.0 APPLICATION DETAILS

1.1 This is a retrospective application seeking planning permission for the for the retention of a plant room, a retaining wall, an oil tank and a garden shed and the concurrent application (DM/2020/00933) is for the erection of a detached double garage with storage space at the upper floor.

1.2 The Gables is situated along Wainfield Lane within the village of Gwehelog, which is allocated as a Minor Village within the Monmouthshire Local Development Plan (LDP). This property was originally a dormer bungalow and it was extended and modified via the planning permission DC/2017/00134 (Alterations and Extensions to Existing Detached Dormer Bungalow).

1.3 Since the physical construction works have completed, the impact of these structures can be seen. The plant room, the retaining wall and the oil tank are located at the forecourt of the property. The plant room is a flat roof building, measuring some 2.3m deep, 4m long and 2.8m high. The oil tank is located adjacent to a mature tree (which is not covered by a Tree Preservation Order). The retaining wall is within the forecourt area and is running along the same direction as Wainfield Lane; due to the topography of the site, it is varying in height i.e. a range between 300mm to 2.5m. The garden shed in question is wooden clad and is located at the rear garden area, measuring some 4.2m deep, 4.1m wide and 2.8m high. The plant room along with the oil tank and the garden shed are located within close proximity to the boundary that is adjoining Ty Cerrig. It is understood that there is a boundary dispute, but it is not a planning material consideration. It is useful to note that the scheme has been amended so that the plant room will form part of the proposed garage under the concurrent application whilst the other elements remain unaltered.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Date
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DM/2018/01642	Non material amendment to previous application DC/2017/00134 - To raise existing ridgeline by 300mm only to improve internal circulation areas and room heights to loft areas.	Approved	30.11.2018
DM/2020/00933	Detached double garage with storage space over.	Pending Determination	
DM/2020/01288	Application for retrospective approval of plant room, retaining wall, oil tank and garden shed as built.	Pending Determination	
DM/2020/01341	NMA to obtain approval of as built central bedroom dormer against original design, for two separate dormers and as indicated on supporting drawing. (Relating to DC/2017/00134).	Pending Consideration	
DC/2017/00134	Alterations and Extensions to Existing Detached Dormer Bungalow	Approved	13.04.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Gwehelog Community Council - The community council objects to the application:

- The established hedging, trees and vegetation have been removed and not replaced; replanting of native species should occur.
- The scale of the plant room structure appears exceedingly excessive for the intended purpose.
- The development has been built closer to the boundary between The Gables and Ty Cerrig than is shown on the plans submitted with the application and the works have been completed without planning permission.
- The works have the root system of a mature oak tree growing on the Ty Cerrig land.
- The oil tank a very prominent feature when viewed from the front drive and door of Ty Cerrig.
- The flue stack from the unfinished plant room is located very close to the boundary and can be seen from the drive of Ty Cerrig and is causing a pollution. The members of the council felt that this development had been placed so inappropriately close to Ty Cerrig that it provides a gross infringement to the residents of that house in the enjoyment of their property.
- Members were concerned at the lack of a planning application for this development before it was constructed and were unanimous in condemnation of it. The council wishes to object to this application and feels that this issue should be considered by the Monmouthshire County Council planning committee.

NATS Safeguarding - no safeguarding objection to the proposal.

MCC Tree Officer - No objection. A site inspection was conducted. It was noted that the works in relation to the plant room and the fuel storage tank are in close proximity of the Oak tree near the boundary and it is likely root damage has occurred. However, there is no tree preservation order in force at this site. It is the intention to site the new garage within the retaining wall, where the site level is significantly deeper than 600mm and well below where roots would normally be found. In the absence of roots on this side of the tree no further arboricultural information is necessary.

MCC Biodiversity - I have noted the works undertaken and reviewed the necessary information. No objection to the application; a standard external lighting and a Biodiversity Net Benefit (including compensatory tree planting) conditions are requested.

MCC Environmental Health - Based on the plans and the fact that the existing flue is being moved 4.2m inwards away from the boundary of the neighbours property and is being raised to 2nd storey level, Environmental Health have no objections to this application.

MCC Building Control - The matters in relation the installation of combustion appliances and fuel storage systems are covered by the Building Regulations Approved Document J, which is subject to a separate application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

There are more than five neighbour objections received and they summarised below:

5.2.1 The Submission

- Inaccuracy of the submission
- Information missing from plans
- Not enough info given on application
- The works have been completed without the necessary planning permission
- Some of the dimensions are missing on the drawings
- The works have already damaged the mature tree

5.2.2 Local Plan

- Conflict with local plan.

5.2.3 Design

- The plant room and garage should have been incorporated into the extended building.
- The proposal is out of scale and character
- The proposal does not respect the front building line
- The proposed garage should be single storey
- More open space needed on development
- The plant room will dominate the street scene

5.2.4 Residential Amenity

- The proposal will affect the neighbouring properties
- Loss of light

5.2.5 Highways

- Inadequate access and parking provision
- Traffic or Highways

5.2.6 Building Regulations and Environmental Health

- The proposal will not be allowed under building regulations due to the proximity of the oil tank
- The flue in its new position will continue to cause a nuisance through air and noise pollution for the immediate neighbours
- The retaining wall may not be structurally sound being adjacent to the highway
- Noise nuisance

5.2.7 Drainage

- A SuDS is required where the construction area is 100m² or more

5.2.8 Biodiversity/Ecology

- A tree survey and a biodiversity survey should be required
- Affect local ecology
- The mature tree has been damaged and is affecting the character of Wainfield Lane
- The compensatory tree planting is not specified
- Insufficient landscaping detail to evidence compensation for the loss of the ecological resource
- There is no detail of biodiversity enhancement specification or heights shown as requested by the biodiversity officer.

5.3 Local Member Representations

Previous County Councillor - Councillor Val Smith: This application should be considered in conjunction with DM/2020/00933 by Planning Committee. Reason: Considerable confusion and local concern re. development. Request application is presented to Planning Committee if recommendation is for approval.

6.0 EVALUATION

6.1 The Principle of the Proposal/Monmouthshire Local Development Plan

6.1.1 Gwehelog is designated as one of the Minor Villages in the LDP. Some neighbours have referred to the Supplementary Planning Guidance (SPG) Infill Development Policies Policy H3. This SPG is related to new infill residential development and not for the erection of outbuildings within the curtilage of a dwelling. There is no specific policy within the LDP that restricts the erection of outbuildings and other engineering operations within the garden curtilage of existing residential properties in these villages. Therefore, this application will be treated on its own merits.

6.2 Good Design/ Place making

6.2.1 The Gables had been extensively extended and altered and it now has a contemporary design. In terms of the character of the area, properties along Wainfield Lane have a variety of architectural designs, shapes, and scale. Thus, there is a mixed pattern of properties in this part

of Gwehelog and there is no development pattern to which any new development proposals ought to have regard.

6.2.2 The design of the plant room will be modified and will become an integral part of the proposed garage. Some of the neighbours have referred to the proposed garage being out of character, too high and out of scale. The proposed garage has a contemporary but simple design that does not look out of character, against a backdrop of the host property that feature a similar contemporary design. Therefore, it is considered that the design of the proposed garage is visually acceptable in this instance.

6.2.3 The proposed garage will be visible from the public realm. However, it is not unusual to see other properties with outbuilding/garaging along Wainfield Lane and it was noted that there are at least two other properties along Wainfield Lane with garaging/storage structures right next to the highway. Therefore, this is not considered to be a substantive reason to refuse this application.

6.2.4 The proposed garage has an upper floor and thus, is a two-storey building. The proposal will be visible from Wainfield Lane. However, due to the topography of the site, the building will be 'sunk down' below the highway. Therefore, the resulting visual impact will be lessened accordingly. There is no doubt that the proposal will be visible from the highway and the appearance of the site will look different from its current form. However, it does not warrant a refusal in this instance.

6.2.5 It is considered that the size of the proposed garage is acceptable, and it would be read as a secondary element to the main property. The proposed development is not overdevelopment of the site and there will still be ample space at the forecourt area of the property. In terms of the proposed external finishing materials, they will match with those of the host dwelling, which is visually acceptable. The proposed garage is also set back from Wainfield Lane and it will be partially screened by the existing mature hedgerow along boundary (Wainfield Lane); this hedgerow is within the application site.

6.2.6 Due to the topography and the orientation of the retaining wall, it has a limited visual impact upon the character of the area.

6.2.7 The size of the oil tank is modest and is screened by the existing hedgerow along the front boundary. Therefore, it has a limited visual impact upon the character of the area.

6.2.8 The size and design appearance of the garden shed is also modest. The external finishing materials are natural and is visually acceptable on this location. As it is located at the back of the property, it has no direct visual impact upon Wainfield Lane itself.

6.2.9 Given the above, the proposal is considered to be visually acceptable, alongside the host property as the backdrop. Therefore, the proposal is in accordance with Policy DES1 of the LDP.

6.3 Historic Environment

6.3.1 The site is not within a Conservation Area and nor is the property itself is a Listed Building. The site is not within an Archaeological Sensitive Area and not a Registered Gardens and Parks.

6.4 Impact on Residential Amenity

6.4.1 As well as the proposed garage (DM/2020/00933), the oil tank and the retaining wall will also be visible from the neighbouring property Ty Cerrig. The proposed garage is two storeys high and will be located close to the boundary. However, the separation distance between the proposal and this property is some 16m. The oil tank, the retaining wall and the garden shed are modest in scale. Consequently, it is considered that there is a sufficient separating gap so not to cause a significant overbearing impact towards Ty Cerrig. In addition, the loss of a view is not a planning material consideration.

6.4.2 In terms of overshadowing impact, based on the location, the size, the height and the separation distance of the structures in question, no significant impact of this kind is anticipated.

The privacy of the occupiers of Ty Cerrig will be protected as there will be no new window openings from the proposed garage facing towards them.

6.4.3 There are other existing neighbouring properties to the east and south of The Gables. Due to the orientation, topography of the site and the separation distance from these properties, no overlooking, overbearing or overshadowing impacts are anticipated. Given the above, the application is in accordance with Policy EP1 of the LDP.

6.5 Access / Highway Safety

6.5.1 There is no change to the access arrangement of the site and there is ample space for parking and turning for vehicles within the forecourt area of the property. The proposal is ancillary to the property. Therefore, the resulting traffic movement generated by the proposal is not likely to cause a significant adverse impact upon the highway safety of this part of the village.

6.5.2 It is considered that there is plenty of space within the forecourt area of the property for storing building materials. In addition, the construction phase for this kind of project is likely to be short-lived. Therefore, it is not proportionate to request a Construction Traffic Management Plan in this instance.

6.6 Biodiversity

6.6.1 There is no objection from either the Council's Tree Officer or Biodiversity Officer. The Tree Officer had inspected the site and acknowledged that there is an Oak Tree within close proximity of the recently erected plant room and the fuel storage tank. Therefore, it is likely root damage has already occurred during the construction. However, there is no tree preservation order in force at this site. It is the intention to site the new garage within the retaining wall, where the site level is significantly deeper than 600mm and well below where roots would normally be found. In the absence of roots on this side of the tree no further arboricultural information is considered necessary.

6.6.2 The Council's Biodiversity Officer had reviewed the application and advised that an ecological assessment is not necessary in this instance. However, the application site is in a relatively high-quality landscape for bats and will therefore need to secure an appropriate lighting strategy as part of any consent granted in order to protect bat foraging and commuting corridors from light spill. In addition, the Tree Officer had concluded that it is likely root damage has occurred and recommended compensatory tree planting, with at least three specimens of native provenance, is undertaken in the grounds of the application site, which can be secured via an appropriately worded condition.

6.6.3 In terms of the Biodiversity Net Benefit, it is recommended that at least two options for bats and two options for birds is included, which can be secure via appropriately worded condition. Given the above, the proposal is in accordance with Policy NE1 of the LDP.

6.7 Environmental Health and Building Regulations

6.7.1 Some neighbours are concerned with the level of noise from the resulting development. Therefore, both the Council's Environmental Health Department and Building Control was consulted.

6.7.2 The Council's Environmental Health Department has confirmed that the location of the existing flue will be moved some 4.2m inwards away from the boundary of the property and the outlet will be raised to second storey level. Therefore, there is no objection to this application.

6.7.3 Building Control consider the physical build itself. These are legal standards set out by the government for every aspect of construction. These cover everything from health and safety on site to the energy efficiency of a new house. The Council's Building Control Department advised that the matters in relation the installation/modifications of combustion appliances and the fuel storage systems are covered by the Building Regulations Approved Document J, which is subject to a separate application. Planning permission and Building Regulations approval are two separate processes. They concern two different elements of the law and the applicants will need both to legally proceed with their development. From the planning perspective, there is no substantive reason to refuse this application and the applicants will be

reminded via informative that they will need both to legally proceed with their development accordingly.

6.8 Sustainable Urban Drainage System

6.8.1 From January 7th 2019, all detailed applications for residential development or where the construction area is 100m² or more, will require Sustainable Drainage Systems for surface water (SuDS), to be designed and built in accordance with the statutory standards. The construction area of the proposed garage is less than 100m².

6.8.2 This is one of two Householder planning applications at The Gables. There is no new hardstanding being proposed under the concurrent application, which is related for the retention of the plant room (which is now related to this application), a retaining wall and a garden shed. Therefore, strictly speaking, there is no new construction area under that application (DM/2020/01288) as the buildings and the retaining wall are already in place. However, assuming that these structures do not exist and are treated as being currently proposed, the overall combined construction area of the two applications is still below the 100m² threshold. Therefore, a SuDS is not required for this application.

6.8.3 Although not a requirement, the applicants have submitted a surface water drainage scheme to accompany this application. It is considered that this is a positive approach to manage surface water of the site.

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

6.9.1 Some of the neighbours have objected to the lack of details and the level of accuracy of the submission. From a planning perspective, it is considered that the submitted information does provide sufficient information to inform the planning decision. In addition, it is beyond the planning functions to cross-examine boundary issue and landownership matters.

6.9.2 The retaining wall within the forecourt of the property and is set back from edge of the highway. Therefore, structurally, it does not form part of the highway, which is not of a concern of the Council's Highways Department. Please also refer to section 6.5 of this report.

6.9.3 All other matters raised through the consultation exercise have been addressed in the above sections of this report and therefore no duplicate commentary is necessary.

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

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

6.11 Conclusion

6.12.1 For the reasons detailed in Section 6 of this report the development is considered to accord with the relevant policies of the adopted Local Development Plan (as identified in Section 3) as well as all other material planning considerations subject to the conditions set out below.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

2 Within 3 months of the date of this permission details of the bat and bird boxes as shown on drawing LSC/01 A shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of being approved in writing and retained as such in perpetuity.

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

3 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

4 The flue from the plant room (as built) as shown drawing PL01 – A shall be removed within 3 months of the date of the permission.

REASON: To protect local residential amenity and to ensure compliance 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 Lighting

I would recommend the applicant reviews and applies the below guidance document, in particular pages 18 and 19, for best practice on lighting.

Lighting guidance

Biodiversity Net Benefit

Provision of a bat and bird box on the garage would be suitable. The plant room is not however suitable for enhancements, and therefore measures could be provided on the main property, or alternatively on trees within the site (or a mixture).

Bat roosting options:

Integrated provision:

- integrated bat box provision such as 'Schwegler bat tube', 'habitat' or 'Ibstock type c'.
 - a bat access tile or a couple of raised ridge tiles, ensuring a Bitumen 1F liner is used.
 - Access to soffits boxes/behind bargeboards via a small gap (15-20mm) between soffits and wall
- Sites such as NHBS have a number of options, but there are other retailers.

Integrated bat options

Or external provision:

- bat box provision such as a bat cavity roost box, (Example - Beaumaris Woodstone Cavity box or similar)

Sites such as NHBS have a number of bat roosting options, but there are other retailers.

External bat options

If a box/boxes are opted for these would ideally be located on a southern aspect, and at least 4 m high (however on this occasion if provision is made on the garage then the western aspect would be most appropriate due to the lower eaves and garage doors on the south side). They should also be located away from any lighting.

Alternatively, provision for bats could be made on mature trees within the site ownership, boxes such as 2F Schwegler bat boxes are suitable for installation on trees.

Bird nesting options:

I would suggest provision for House Sparrows or Starlings, both are listed as Section 7 species, under the Environment (Wales) Act 2016 as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. We recommend that woodcrete options are considered as they provide long term provision.

These ideally would be located on a northern aspect, and at least 2.5 m high (however on this occasion if provision is made on the garage then the eastern aspect would be most appropriate due to the proximity of the ground on the north side).

Sites such as NHBS have a number of options, but there are other retailers.

Bird nesting options

Alternatively standard size nest boxes (32mm) such as Schwegler 1B or similar could be installed on suitable trees within the site.

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Application Number: DM/2021/00037

Proposal: Erection of one detached, two-storey house in part of garden with associated access and parking (Outline planning permission)

Address: Land To west of Stray Leaves, School Lane, The Narth, Monmouth

Applicant: Mr O. P. Stephens

Plans: 725/01 - , 725/02 - , 725/03 Version D, 725/4

RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Valid: 12.01.2021

This application is presented to Planning Committee due to 5 or more unresolved objections being received and Trellech Town Council having recommended refusal

1.0 APPLICATION DETAILS

1.1 Site Description

1.2 Stray Leaves is situated within the village of The Narth, which is one of the Minor Villages (under Policy H3) as defined in the Monmouthshire Local Development Plan (LDP). In Minor Villages planning permission will be granted for minor infill development 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 there being no unacceptable adverse impact on village form and character and surrounding landscape, and other relevant policies of the LDP.

1.3 There are other LDP policies that are applicable such as Policy LC4 as the site is within the Wye Valley Area of Outstanding Natural Beauty. Policy DES1 requires, among other things, development to respect the character and appearance of the area. Policy EP1 seeks to require all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties. Policy S4 of the LDP is related to Affordable Housing Financial Contribution.

1.4 This application seeks outline planning permission for the erection of a two-storey detached dwelling within the garden curtilage of the host property, Stray Leaves. With the exception of access and scale, all other matters are reserved for future consideration. An illustrative drawing has been submitted to demonstrate what the proposed dwelling could look like on the plot. The main dwelling has an overall height of approximately 9m, would be 21m in width and 7m in depth. The proposed integral garage with a utility room would measure 7m in height, 8.8m in width and 6.5m in depth. In addition to the integral garage, the forecourt area of the proposed dwelling is able to accommodate 3 on-site parking spaces. The proposed materials indicated include tiled roofing, rendered walls and timber windows.

1.5 In terms of vehicular access to the site, the proposal is accessed via a private drive shared with four other properties that is accessed via School Lane, a private road, not a publicly maintained highway that serves an additional nine properties, so thirteen properties in total. This new vehicular entrance will be formed opposite a neighbouring property, known as Lyndsey. The site is mostly screened from the private road to the south by a belt of trees and the neighbouring properties that are served off the private drive have sight of the proposed plot.

1.6 The site is situated in an area that is not served by mains foul water drainage. Consequently foul water waste will be treated by a private sewage treatment system utilising a package sewage treatment plant in accordance with the strategy hierarchy outline in Welsh Government Circular 008/2018. The site is within the Phosphates Sensitive Area Wye Valley Catchment. Therefore, this application was screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued May 2021).

2.0 RELEVANT PLANNING HISTORY - None

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H2 LDP Residential Development in Main Villages
LC4 LDP Wye Valley AONB
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
SD4 LDP Sustainable Drainage

3.0 Supplementary Planning Guidance

Infill Development SPG

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being 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

Trellech United Community Council - Refused:

Proposed house is too large for the site, and at least 30% larger than any nearby property. All access lanes are narrow and access would probably require the felling of mature trees. Drainage issues are already experienced by neighbouring properties and would be exacerbated by addition of a 5-bed house.

Wye Valley AONB Office - No response to date.

Natural Resources Wales (NRW) - Initial concerns over the drainage element of the proposal. However, we have reviewed the HRA, and Appropriate Assessment prepared by your Authority. We confirm that we agree with the conclusion of the HRA. Therefore, no objection to the application.

MCC SAB - 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/sab>

The requirement to obtain SAB Consent sits outside of the planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

MCC Highways - No objection. Although the general local highway environment serving The Narth is considered to be well below current standards, the Highways Department consider that the traffic associated with the development would not be sufficient grounds to support a recommendation for refusal, the increase in traffic movements would not lead to a real deterioration in highway safety or capacity on the immediate local highway network.

MCC Biodiversity - A site visit was undertaken by the Council's Biodiversity Officer and Planning Officer and the conditions of the trees and vegetation on site were assessed. No potential roosting features for bats were identified on broadleaved trees within the hedgerow, however some ivy cover is present which may provide cover for nesting birds. No objection subject to appropriate ecological conditions.

MCC Environmental Health - Providing the installation meets current Building Regulations / Standards, I do not anticipate an unacceptable risk / harm from noise, odour etc to nearby residents. I therefore have no objection.

MCC Building Control - Our interest on this consultation is solely to ensure the foul drainage provisions have been correctly considered. Having reviewed the relevant aspects of this application I can see that the approach made to design the foul drainage has been carried out in accordance with the relevant British Standard 6297:2007+A1:2008. The Vp calculation achieved (percolation value calculated as a result of a porosity test) has received a result of 18.4. This result is perfectly within the guides of the British Standards. Drawing 725/03 Rev D shows correct measurements and distances as compliant with BS6297 and having conducted a shadow calculation to that of the original author, I have concluded that the area allowed for linear drainage appears to be a reasonable representation as a desktop study. The caveat to that is that it must be further assessed on site and that no other alternative solutions are to be used other than slotted pipe laid and formed as per the clear guidance in BS6297:2007+A1:2008.

5.2 Neighbour Notification

There are more than five objections received and they are summarised as follows:

- Effect on local ecology
- Close to adjoining properties
- Over-development
- Development too high
- General dislike of proposal

Increase in traffic
Loss of privacy
More open space needed on development
Out of keeping with character of area and the Wye Valley AONB
Strain on existing community facilities
An additional dwelling will exacerbate the drainage problem in the area
Joint owners of the private lane will not give permission for access
Joint owners are unwilling to fund the cost of maintaining the lane as a result of wear and tear caused by construction
Inadequate access
Increase in pollution
A single storey dwelling would be less visual and provide more privacy to the existing properties
A loss of a valuable open space
The proposed drainage bed will not comply with Building Regulations
There are several mature trees on site, has the Tree Officer been out to site as no comments are available online?

5.3 Local Member Representations

No response to date.

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

6.0 EVALUATION

6.1 Principle of Development

The site in question is in the village of The Narth and is a small gap between existing dwellings, which is in accordance with the thrust of Policy H3 of the LDP. Therefore, there is no policy objection to a residential development in this location, subject to detailed planning considerations.

6.2 Design/ Effect on the Wye Valley Area of Outstanding Natural Beauty

Policy DES1 of the Adopted Local Development Plan (LDP) refers to General Design Considerations with criterion c) requiring development to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings. The site is within the Wye Valley AONB, and Policy LC4 of the LDP seeks to protect the Wye Valley AONB from inappropriate development in order to maintain its unique character, special landscape qualities and local distinctiveness.

This outline application relates to a two storey detached dwelling. Design drawings have been submitted as a visual aid and to provide the overall parameters of the proposal but the design matter is a Reserved Matter so it will not be a subject for consideration in this instance. It is noted that there is a mixed pattern of housing in this part of the village so there is no single dominant form of development to which any new dwelling ought to have regard. In addition, it is noted that the proposed plot is of a similar size with many other properties within close proximity of the site. Furthermore, Policy DES1 of the LDP and PPW11 advise that development must make the most efficient use of land, which this would do. In relation to the size of the proposed footprint, it is considered that the footprint of the proposed development is visually comparable to some of the nearby properties. The maximum height of this proposal is 9m, which is approximately 1m higher than the host dwelling and is the same as Worcester House and Beaufort House, which are located to the east of Stray Leaves. The proposed materials include tiled roofing, rendered walls and timber windows, which are acceptable. However, this matter will be reserved for further consideration at the Reserved Matter application. The site is within the Wye Valley AONB, the site is surrounded by existing residential properties and would not alter the built form of the village of The Narth. Therefore, the proposal is considered to be in accordance with policies DES1 and LC4 of the LDP.

6.3 Impact on Amenity

Criterion d) of Policy DES1 of the LDP specifically seeks to maintain reasonable levels of privacy and amenity for the occupiers of neighbouring properties. Based on the submitted plans, the distances of the proposed dwelling are measured some 19m from the front elevation of Lindsey, 25m from Little Wabe, 27m from Cartref and 22m from the host dwelling (Stray leaves), which are considerable distances away from the neighbouring properties. Also, the proposal is in excess of 21m from the existing properties that are located south of South Lane. There is an existing row of trees along the southern site boundary of the site. Therefore, no overshadowing impact is anticipated. This is an outline planning application and with the exception of access and scale, all other matters are reserved for future consideration. Therefore, the actual design appearance along with the window openings of the proposed dwelling will be reserved for further consideration at a later date. Given the size of the proposed plot and its distance from the existing properties, it is reasonable to accept that there is enough room to design a dwelling that would maintain reasonable levels of privacy and amenity for the occupiers of neighbouring properties. As such, no significant concern is anticipated at this outline stage of the proposal. Therefore, there is no objection in relation to Policy EP1 of the LDP.

6.4 Biodiversity

The Council's Biodiversity Officer was consulted and there was a holding objection to the proposal initially because the proposals included thinning of deciduous trees to allow more light into the site and no details of the trees to be removed have been provided with the application submitted. A site visit was undertaken by the Council's Biodiversity Officer and the conditions of the trees and vegetation on site were assessed. The leylandii has no bat roosting potential but is likely to support nesting birds. No potential roosting features for bats were identified on broadleaved trees within the hedgerow, however some ivy cover is present which may provide cover for nesting birds. The proposal would involve the removal of some leylandii and hedgerows along the southern boundary but is not considered to be harmful.

As stated in previous comments, it is reasonably likely that the habitats within the site including the existing hedgerow and treeline support protected and priority species. Protected species have been returned from a 1km data search including bats, reptiles and hedgehog which may be using the site for foraging and commuting. Given the above, there is no objection to the proposal subject to a construction method statement and no removal of hedgerows, trees, or shrubs, or building works taking place between 1st March and 31st August unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence.

6.5 Highways

The Council's Highways Department consider the local highway network serving The Narth to be well below current standards, but the relatively low level of traffic associated with the development would not be sufficient grounds to support a recommendation for refusal. They acknowledged that The Narth is very much a rural location and the immediate highway network serving the village is predominantly a series of unclassified rural lanes that are considered to be below current standards. In this instance, the Council's Highways Department accept that the proposal will have an impact on the adjacent network but the private drive and School Lane are able to manage the proposed development and associated vehicular trips generated by the proposal. Also, it is considered that the proposal would not lead to a real deterioration in highway safety or capacity on the immediate public highways. Furthermore, the Highway Department also highlights that by accepting this application, it is not considered a precedent in determining future infill development in The Narth and if the Planning Department are minded to approve the application, a Construction Traffic Management Plan (CTMP) ought to be provided prior to any works commencing on site. Given the above, the proposal is in accordance with Policy MV1 of the LDP.

6.6 Phosphates Sensitive Area Wye Valley Catchment

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural

Natural Resources Wales has set new phosphate standards for the river SACs in Wales (including the latest update in May 2021). Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

The proposal is within the Phosphates Sensitive Area Wye Valley Catchment and the proposal will connect to a new private package treatment plant on site. A Habitats Regulation Assessment Appropriate Assessment was carried out and has concluded there is no likely adverse effect on the SAC as a result of the proposed works. Natural Resources Wales were consulted, and they have confirmed that they agree with the Council's assessment, offering no objection to this element. Therefore, the proposal is not likely to have a significant effect on the SAC's condition.

6.7 Surface Water Drainage

There is no objection from the Sustainable Drainage Approving Body (SAB) but the scheme will require SAB approval prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs. The applicant will be informed of this legislative requirement via an informative.

6.8 Foul Drainage

6.8.1 Welsh Government Circular 008/2018 provides advice on the exercise of planning controls on non-mains sewerage and associated sewage disposal aspects of new development in order to avoid public health, amenity or environmental, problems. The circular outlines that planning authorities should aim to satisfy themselves that the sewerage proposals for a development are suitable, and public health, amenity and environmental problems are unlikely to arise. In doing so they should take into account:

- a) any information submitted by the developer
- b) comments provided by Natural Resources Wales; and
- c) other relevant information, including comments from their own professional advisors.

The proposed private package treatment plant has been fully considered and it is recommended by officers that the proposals are unlikely to have an unacceptable impact on health, amenity and/or environmental considerations as to warrant refusing the application. Environmental Health Officers have concluded that providing the foul / wastewater treatment system meets current Building Regulations / Standards, that they do not anticipate an unacceptable risk / harm from noise, odour etc., to nearby residents as the treatment system would be built to modern drainage standards. The proposed foul drainage would be subject to a separate application under the building Regulations. The Council's Building Control Officers have outlined that there is no clear reason to outline at this stage why the Building Regulations could not be achieved for foul drainage at the site. The proposed private treatment system would be built to modern standards and would not lead to a risk to public health or cause a nuisance to neighbouring parties or the future occupants given it would be built to meet current standards. Given that the drainage would be constructed in accordance with the Building Regulations it would not result in harm to the use of the residential curtilages of the proposed dwelling or neighbouring properties and would not pose a risk to public health. The installation of a private treatment system at the site would not harm the amenity of any party. Natural Resources Wales have reviewed the risks posed to the water environment and have outlined that it has been demonstrated that the ground conditions are appropriate, and that the environmental regulator has no further concerns. In addition, NRW have stated that the applicant will require an environmental permit or exemption for the system.

Given there are no objections or concerns from colleagues in Environmental Health or Building Control and/or NRW to the proposed drainage solution there is no reason to conclude that a suitable drainage solution cannot be implemented at the site and therefore in accordance with the requirements of the Planning Circular 008/2018 officers are satisfied that it is unlikely that the proposed development would harm the environment or public amenity or health; thus, the proposals are considered acceptable.

The professional consultees are satisfied on technical implementation grounds and have advised that the potential risk of harm to neighbour amenity is not significant. In accordance with the guidance within Planning Circular 008/02018 planning officers are satisfied that there is no overriding reason why the proposed development should be recommended for refusal. The principle of the proposed foul drainage proposals is considered to be acceptable and technical advisors have no objection to the development. If the foul drainage could not achieve Building Regulations requirements or achieve the required environmental permit, then the development would not be able to be carried out – but it must be borne in mind for planning purposes that there is no evidence to suggest the means of foul drainage is not viable at this stage.

6.9 Construction Traffic & amenity

6.9.1 Due to the fact that there are existing properties within close proximity of the site, it is not unusual to recommend that the Planning Authority consider adding a Construction Traffic Management Plan condition to manage the construction phase of the development. The site is within close proximity of existing residential properties and the local highway network is relatively restricted. Therefore, it is considered that it would be reasonable to impose such a condition here.

6.10 Affordable Housing

The sixth bullet point of Strategic Policy S4 relates to financial contributions to the provision of affordable housing in the local authority. The adopted Affordable Housing SPG sets out the formula for calculating the amount of affordable housing financial contribution that is required for this type of application. The formula for the Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%. The CS Rate in this case is based on the Rural area, which is set as £120/m². Therefore, the calculation is 178 (m²) X £120 (per m²) X 58% = £12,388.8. The applicant has agreed the amount that is required, which is in accordance with Policy S4 of the LDP.

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

6.11.1 Trellech United Community Council recommended refusal. The response to the reasons of objection are as follows:

Proposed house is too large for the site, and at least 30% larger than any nearby property - please refer to section 6.2 of this report

All access lanes are narrow and access would probably require the felling of mature trees - please refer to sections 6.4 and 6.5 of this report

Drainage issues are already experienced by neighbouring properties and would be exacerbated by addition of a 5-bed house - please refer to section 6.6 and 6.8 of this report

6.11.2 Here are the responses to the neighbour objections:

Affect local ecology - please refer to section 6.4 of this report

Close to adjoining properties - please refer to section 6.3 of this report

Over development - please refer to section 6.1 of this report

Development too high - please refer to section 6.1 of this report

General dislike of proposal - this alone is not a planning material consideration

Increase in traffic - please refer to section 6.4 of this report

Loss of privacy - please refer to section 6.3 of this report

More open space needed on development - please refer to section 6.1 of this report

Out of keeping with character of area and the Wye Valley AONB - the proposed floor area is some 350m³. However, this includes the integral double garage and the upper floor. Please refer to section 6.1 of this report

Strain on existing community facilities - An additional dwellinghouse is unlikely to affect the existing facilities significantly and the management of the facilities should review its demand accordingly.

An additional dwelling will exacerbate the drainage problem in the area - please refer to section 6.6 and 6.8 of this report.

Joint owners of the private lane will not give permission for access - this is a private civil matter and not a planning material consideration

Joint owners are unwilling to fund the cost of maintaining the lane as a result of wear and tear caused by construction- this is a private civil matter and not a planning material consideration

Inadequate access - please refer to section 6.5 of this report

Increase of pollution - there is no evidence submitted from the neighbour objection to explain what this mean. However, given the scale of the proposal, it is unlikely to cause a significant noise and air impact upon the area. Also, there is no objection from the council's Environmental Health department in relation to this application.

A single story dwelling would be less visual and provide more privacy to the existing properties - please refer to section 6.1 of this report

A loss of a valuable open space - the land in question is not protected or is an area of amenity importance as defined within the LDP

The proposed drainage bed will not therefore comply with Building Regulations - The Council's Building Department was consulted on the proposed drainage scheme and has no objection. There are several mature trees on site, has the Tree Officer been out to site as no comments are available online - None of the trees are protected by the Trees Preservation Order. Also, a site visit was undertaken by the Council's Biodiversity Officer and the conditions of the trees and vegetation on site were assessed. The leylandii has no bat roosting potential but is likely to support nesting birds. No potential roosting features for bats were identified on broadleaved trees within the hedgerow, however some ivy cover is present which may provide cover for nesting birds. The proposal would involve the removal of some leylandii and hedgerows along the southern boundary but is not considered to be harmful.

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

6.12.1 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.

6.13 Conclusion

6.13.1 The proposal is in accordance with policies DES1, EP1, EP3, H2, LC4, MV1, NE1 and SD4 of the LDP.

7.0 RECOMMENDATION: APPROVE subject to the S106 as set out below

7.1 S106 Heads of Terms

A sum of £12,389. is required towards the Council's Affordable Housing Financial Contribution. If the S106 Agreement is not signed within 6 months of the application's resolution then delegated powers be granted to officers to refuse the application.

1 Details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4 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.

5 No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.

REASON: To protect the amenity of neighbouring properties and to ensure compliance with LDP Policy EP1.

6 No development, vegetation clearance or earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include details of measures to protect: 1. Nesting Birds 2. Bats 3. Common reptile species 4. Hedgehogs The construction Method Statement shall thereafter be implemented in full.

REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

7 No removal of hedgerows, trees, or shrubs, or building works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

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

8 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 School Lane and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

9 The hereby approved dwelling shall have the following upper and lower limits for height, width and length.

Height: 9m and 8m.

Width: 16m and 15m.

Length: 22m and 17m.

REASON: The application is in outline only.

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Application Number: DM/2021/00340

Proposal: General purpose agricultural building (livestock housing and storage of machinery and fodder).

Address: Land to the north-east of Ty Freeman Road, Gwehelog, Monmouthshire

Applicant: Mr Michael Evans

Plans: Site Plan Site Plan - , Elevations - Proposed Elevations - , Floor Plans - Proposed Floor Plan - , Other Manure Management Plan by Williams Associates - August 2021,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 02.03.2021

This application is presented to Planning Committee as there are five objections. The Community Council has also raised an objection

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to agricultural land lying to the north-east of Ty Freeman Road, Usk. The surrounding area is rural and agricultural, predominantly pasture with livestock including both cattle and sheep. Existing mature trees are located to the east of the proposed building which will not be affected by the development.

The site is within the Phosphorous Sensitive Catchment Area of the River Usk SAC.

1.2 Value Added

A Manure Management Plan has been provided.

1.3 Proposal Description

It is proposed to erect a new agricultural building measuring approximately 22.85m x 9.15m in area. The proposed building is effectively an extension to the existing farm building that is currently on site. The proposed building is of typical agricultural design with a steel portal frame with concrete panels/Yorkshire boarding sides. The roof will be corrugated fibre cement sheeting.

The proposed building will predominantly be used for livestock housing, as well as the storage of machinery and fodder. There is no overall increase in livestock numbers on the farming enterprise. There are no alterations proposed to the existing access.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design
S12 LDP Efficient Resource Use and Flood Risk

Development Management Policies

RE4 LDP New Agricultural and Forestry Buildings
RE5 LDP Intensive Livestock/Free Range Poultry Units
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
DES1 LDP General Design Considerations
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

Welsh Government Circulars

Welsh Government Circular 008/2018 - Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants

5.0 REPRESENTATIONS

5.1 Consultation Replies

Raglan Community Council - The primary concern/objection is relating to the impact on the open countryside and environment, and that it would be out of character with the open vista and several of the policies set out in the Planning Authority's LDP.

It would appear from the highway the current building has not been used since consent was granted, therefore the building is not of economic benefit for the farm.

Concern must be expressed regarding the extension, which will increase traffic movement on surrounding lanes. If the proposed use of the building is to house livestock and store machinery the traffic movement will be detrimental to the existing road structure. Currently the Highway Authority have increasing issues with maintenance due to banks which are being pulled onto the highway and ruts on the edge of the road surface.

The Planning Statement states that access to the land is directly from the public highway but doesn't indicate if a hard surface access will be laid from the highway to the building.

The current building received consent but extending the building would have a further detrimental to the open countryside.

In reference to section 6.2.1 of TAN6, the overall size of the building would be detrimental to the open vistas in open countryside, when the land has been accommodating pasture land for cattle, and sheep grazing along with fodder crops.

No information on drainage is provided nor slurry provision as per the proposed use as a livestock building. Concern as above on the effect on the environment of this plus the watercourse.

All applications for developments which are likely to have an impact on trip generation, be accompanied by a TA that includes a Transport Implementation Strategy. The Community Council accept this proposed application is not likely to create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network, but there may be an impact on traffic and the safety of other road users, unless appropriate proposals for related improvements to the highway system or a contribution towards mitigating traffic management/reduction measures are made.

Will this application be considered in line with the new regulations in relation to phosphate levels entering water courses due to the proximity to a water course? Policy EP2 indicates that development, which may impact upon the water environment and associated land, will only be permitted where it:

a) would not harm or pose an unacceptable risk to the capacity or flow of groundwater, surface waters or coastal water systems.

The Planning Statement does not indicate how/where surface water or the containment of effluent from the livestock and the storage of any waste cleaned out of the shed during the year will be managed.

The previous and current applications are not supported by a SuDS report. Traditional drainage systems manage surface water run-off are designed to carry water away quickly, without treatment, and can rapidly transfer pollutants and large volumes of water to streams, rivers, etc. There is a lack of information regarding the discharge of rainwater from roofs and hard surfaces. A rural SuDS system will slow down or prevent the transport of pollutants to nearby watercourses by breaking the delivery between the pollutant source and the receptor. By intercepting run-off and trapping sediment before it leaves the field or livestock building, help maintain and manage the provision of good water quality by preventing chemicals, nutrients and faecal organisms entering the watercourse.

The proposed development will need sufficient internal and external lighting, and the application doesn't appear to have an appropriate lighting schedule showing a lighting scheme. The applicant will need to show the provision of glare and respect for the amenity of neighbouring properties and the open countryside. Provisional light pollution and a schedule showing how this can be minimised needs to be submitted.

The Planning Authority should have regard to the privacy, amenity, and health of occupiers of neighbouring properties. Consideration should also be given in relation to light and noise under

this policy and the impact to occupiers of neighbouring properties and the effect on the wider landscape.

Planning Policy Wales emphasises the importance of placemaking and good design of development in keeping with the surroundings. This is an important consideration under the Well Being of Future Generations (Wales) Act 2015 (WBFGA). The duty to improve the economic, social, environmental, and cultural well-being of Wales. In accordance with the sustainable development principle, Future Generations (Wales) Act 2015 (WBFGA). Strategic Policy S17 requires development to promote high quality design which respects local distinctiveness in order to protect and enhance historic and built environments. Raglan Community Council would recommend that this application does not meet the requirements set out in the Act.

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

We note that the following information has been submitted in respect of the proposed development:

- Email from Efon Morgan dated 29 July 2021 (email)
- Manure Management Plan prepared for H and JW and MH Evans, Goverra Farm, Mamhilad, Pontypool, NP4 8RD by Williams Associates, undated.

The content of the email received confirms that the development (an extension to an existing agricultural building) would not represent an increase in stock numbers. We have also reviewed the Manure Management Plan (Manure Management Plan prepared for H and JW and MH Evans, Goverra Farm, Mamhilad, Pontypool, NP4 8RD by Williams Associates, undated). If the manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River SAC.

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.

MCC Biodiversity - New developments involving the storage, management and spreading of organic material within the catchment of a river SAC have the potential to contribute towards the amount of phosphorus entering the designated site and should be screened to determine if they are likely to have a significant effect.

The development is within 5km of the River Usk SAC (3.5km) so the process contribution (PC) of the livestock unit must not be above 1% of the appropriate ammonia critical level / nitrogen critical load.

Confirmation required from the applicant that "the structure is designed and built by a suitably qualified engineer to meet the standards set in the SSAFO Regulations and BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading)."

SEWBREC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Five representations received. Object on the following grounds:

1. The application contains incorrect and misleading information and is incomplete.

2. This application for a livestock shed lays great stress on it being seen as an extension to the agricultural shed granted approval and constructed early in 2020. The impression given to the local planning authority in the previous application – DM/2020/00221 - was that the site is a part of a farm of 182 hectares that has been in agricultural use for 100 years.

This is not the case. The farm referred to is situated 10 miles away and has no physical link with the application site.

The proposed building is actually located on a mere 17 hectares of 'accommodation pasture' which, for the last 35 years, has been used by the current and previous owners only for summer grazing of cattle, winter grazing of sheep and taking of a fodder crop. It could, therefore, be suggested that the DM/2020/00221 approval was granted on the basis of incorrect information and that the applicant's justification of this new application as an extension to the current empty shed should carry no weight.

3. Although the application form refers to the proposal as a general-purpose livestock shed the Agent's report confirms that it will be used for livestock which under MCC Planning Policy requires that it is considered as intensive livestock housing.

This application clearly fails to demonstrate the exceptional circumstances required by MCC's Development Plan Policies for approvals in the countryside. It is contrary to the principal landscape, agricultural and environmental policies of the Development Plan and does not show material considerations why these should be overridden.

4. Policy LC1 New Built Developments in the Countryside states clearly that there is a presumption against development, apart from exceptional circumstances where all of the four listed criteria are met. The criteria have not been met.

5. No attempt has been made to assimilate the building into the landscape. On the contrary, in conflict with criterion a), it will be highly visible in the landscape.

6. Apart from the building referred to above constructed under the misapprehension created by DM/2020/00221, there are no other buildings in the vicinity. Nearest dwelling is 230m away.

7. In respect of criteria c) and d), the application contains no information to demonstrate that any attention has been paid at all to the character and appearance of the surrounding countryside or to impact on landscape and local amenity.

8. It will cause visual intrusion (criterion a) of Policy LC5) both from nearby properties and from public paths and roads in the wider area.

9. It is insensitively and unsympathetically sited in the landscape and will cause significant adverse change (criteria b) ,c) and e) of LC5).

10. Intensifies a use which is incompatible with its location. The site is not a working farm. It is merely a small area of accommodation pasture and there is no reason at all to justify the construction of such a substantial extension to an already substantial building in this location.

11. Contrary to LDP Policy RE3 (Agricultural Diversification).

12. Policy RE4 states, in criterion a): that new developments must show that the building is reasonably required for agricultural purposes. No attempt has been made at all to demonstrate this. The applicant simply relies on the agent's bland, unsupported, and completely inadequate, statement that there will be clear economic benefits for the farm.

13. If the benefits are intended to refer to the farm some 10 miles away, then the building should be constructed there.

14. Criterion b) requires adequate provision for the disposal of foul and surface water and any animal waste. Again, the application ignores this requirement entirely.

15. Policy RE5 Intensive Livestock units: Paragraph 6.2.23 makes it clear that "intensive livestock units" include buildings in which cattle are kept over the winter. Thus, the application falls to be considered against this policy.

RE5 states that intensive units will be permitted subject to six criteria. This application does not comply with five of these criteria:

- o The proposal does not even consider the impact of the building, slurry tanks or lagoons on nearby dwellings (criterion a).

- o There is no attempt to minimise visual impact. Therefore, as well as being contrary to the landscape protection policies of the Development Plan, the proposal also conflicts with criterion b) of RE5.

- o A livestock building such as this will need servicing, will require the movement of cattle and machinery and access to slurry pits and lagoons etc. This will most certainly increase the numbers and nature of vehicle movements on this quiet country lane, the creation of hard surfaced access, driveway and turning circles and works to prevent smell and water pollution. None of these are

detailed or assessed in the application, with the consequence that the proposal does not comply with the highway impact drainage and environmental nuisance requirements of criteria c) and d) of RE5.

16. LDP Policy EP1 states that developments and extensions should have regard to privacy, amenity, and health of neighbours - there are nine homes and holiday units within 400 metres of the proposed unit.

17. Potential for light pollution via any artificial light penetrating through the glazed roof panels.

18. Potential for pollution of two water courses.

29. Potential for noise pollution as power will require a generator.

30. LDP Policy EP2 states that development which may impact upon the water environment and associated land will only be permitted if three criteria are met. This proposal would not comply with paragraph b in that it constitutes the risk of harm to ground and surface water and contains no assessment or mitigation measures.

22. The site area listed of 209sqm is the area of the structure, but it does not include access, hard-standings, drainage, and ancillary works necessary for an intensive livestock shed.

23. Application incorrectly describes the proposal as a 'general-purpose agricultural building'. The Agent's report clearly states that the building is predominantly for livestock which the Development Plan defines as intensive livestock housing (6.2.23).

24. Application form states that the site is greenfield land of 0.02ha. This again omits the area necessary for any ancillary works.

25. Whilst there are no trees and hedgerows on the proposed development site itself, the applicant also states, incorrectly that there are no trees or hedges on land adjacent to the proposed development site that might be important as part of the local landscape character. There are many such trees and hedges, some of which the applicant relies on for screening. Since there will be a need for (as yet unspecified) access, hardstanding, engineering, and drainage works, it is possible that these hedgerows could be adversely affected.

26. Application form certifies that the new structure is not within 20 metres of a water course, but inspection indicates that it is within 20 metres of a water course to the south and another to the north-east.

27. The blue line on the application plan does not show the boundary of the applicant's total land holding in this vicinity. If it had done, then the local planning authority could see that the land extends to 17 hectares, not the 182 hectares that you were led to believe on the previous application.

28. Errors in the planning statement

o Para 2.1 - It is misleading to refer to the application as an extension to an existing farm building. It is true that a shed was built last year but it has never been used and it is not located on a 'farm'. This is simply an area of 'accommodation land'.

o Para 4.3 - The Agent's report places reliance on the existing trees along the stream to 'minimise the impact'. These trees afford partial screening only to one side of the development, but the existing shed already dominates from the Walks access road and it is abundantly clear that the new proposed extension will dominate even more. Furthermore, the existing trees along the stream do not afford any significant screening at all during the leafless winter months. This would have been very clear had the applicant carried out the landscape assessments required by the Development Plan.

o Para 6.1 - This statement is unsupported by any evidence. The Development Plan requires a full business case. This is doubly important since the recipient of any economic benefits from the two 'livestock sheds' appears to be a farm located 10 miles away.

o Para 6.2 - The statement that the proposal will not generate any additional traffic is clearly wrong. Out-wintered sheep only require a fodder delivery every 4 or so days and the fields are usually stock free for about 3 winter months. The proposal to house livestock will require daily visits to feed, water, manage and move the stock, to deliver feed to the store and to service the various drainage elements. This will all generate increased traffic throughout the year and will involve larger vehicles on this quiet country lane.

29. The proposed structure is sited between two water courses which join to form a stream which provides a water source for livestock on my land and other neighbours' grazing land downstream. There are no proposals for how animal waste will be handled and the measures necessary to stop the water courses from becoming polluted.

30. There is no information to minimise the nuisance of smell, noise and water pollution as required by RE5.

31. Information should be required on proposals for electricity and water supply needed for a livestock shed, as power lines and water supply network do not run along this part of the access road.
32. There is limited information on the colours of the proposed roofing and boarding so reference has to be made to what has already been constructed. The roofing and boarding material are very pale and do nothing to help it blend in with the landscape. Sunlight reflection from the rooflights is also a problem. If the local planning authority is minded approving this proposal, then a much darker roof and darker cladding as used on the sheds on the opposite side of the valley would be better.
33. Over intensification of the land. The land is currently pasture land, and the proposed use signals a significant intensification of the use in a non-sustainable manner. Due to this, there is a high likelihood of nuisance in terms of pollution of noise, light, water and further environmental concerns.
34. Overdevelopment of the site. There is already a new, and unused farm building at this location. As noted above had we been aware of this, we would have submitted an objection. This is a further development at the same site, with the current building underutilised.
35. Environmental pollution. The proposed development is close to a number of trees, hedgerow, and water habitats, and we are concerned of the risk to these habitats. We are also concerned about potential light pollution from the site which is situated in a greenfield location remote from other buildings.
36. Misleading map associated with the application. The map has been issued at such a scale that it does not show the various residential and holiday let properties in the immediate vicinity of the proposed development including The Cottage and Y Bethyn Bach, the holiday let located at our property less than 250m from the proposed development.
38. The site is currently a greenfield site. Development should therefore be presumed against. It is not a development in connection with an adjoining farm or farm buildings.
39. Concern that the proposed development is to create an "intensive livestock unit" whereby additional criteria would need to be met which we believe the development would fail. Should the applicant state that this is not the case, there is still no protection that this would not be the case further down the line once built.
40. There is no evidence that this development contributes to protecting and improving existing wildlife networks and corridors.
41. Intensive cattle based farming is associated with high greenhouse gas emissions. This proposal is an agricultural developments which will contribute to the burden of carbon emissions at a time when MCC has declared a climate emergency and is aiming to reducing greenhouse gas emissions.
42. The agent states that 'the development would not represent an increase in stock numbers. I would suggest this clearly is at odds with the proposal to over winter cattle in the new shed. Currently and for the last 20 plus years cattle have been grazed on this 17-ha parcel of accommodation land for 6 months a year and then been taken back to overwinter on the home farm some 10 miles away. If cattle are to be kept on the land throughout the year (6 months grazing and 6 months in the proposed new shed) there will be a relative 100% increase in annual stock numbers on the land, significantly increasing the risk of pollution and phosphate run off into the two water courses adjacent to the development.

5.3 Other Representations

None.

5.4 Local Member Representations

No comments received.

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

6.0 EVALUATION

6.1 Principle of Development

Policy RE5 of the LDP refers to intensive livestock or free range poultry production units which includes overwintering of cattle. It provides that development will be permitted subject to the following criteria which are assessed in turn:

a) new livestock units and associated slurry tanks and lagoons are sited so as not cause unacceptable nuisance to any non- agricultural dwelling or building;

There are no non-agricultural dwellings within a 200m radius of the proposed building.

b) new units are sited so as to minimise their visual impact by avoiding exposed locations and, where practicable, locating them within or adjoining existing groups of buildings;

The proposed building is an extension to an existing shed already located at the site and benefits from a mature tree screen to the east.

c) units that have serious implications for the surrounding highway systems network will be resisted;

The overwintering of cattle is unlikely to lead to any serious implications for the surrounding highway network due to the relatively small scale of the herd. Ewes will only be kept in the building while lambing.

d) the unit is designed and uses appropriate technology, to minimise the nuisance of smell, noise and water pollution;

A Manure Management Plan submitted with the application demonstrates that smell and water pollution will be minimised as far as possible. The holding has sufficient capacity to dispose of all manure produced by all enterprises in accordance with the relevant regulations and legislation.

e) if the operational requirements of the proposed enterprise require that a specialist agricultural worker be accommodated in close proximity to the livestock building, then the development should, where possible, be located to make use of existing and available dwelling accommodation. If, exceptionally, new dwelling accommodation is required then the acceptability of a new agricultural dwelling shall be material to the planning consideration for the unit.

Not applicable.

f) the proposal complies with Policy LC1

Policy LC1 relates to new buildings in the open countryside and provides that:

There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value

These criteria are assessed below.

6.2 Visual and Landscape Impact

6.2.1 The proposed shed will be attached to the existing shed on the site and has been designed to match it in terms of appearance with a fibre cement roof and concrete panel walls with Yorkshire boarding above. It will measure 9.15m x 22.85m which gives a floor area of 209m². This type of building is appropriate for its proposed use for livestock/ fodder storage and would be an acceptable form of development in the open countryside.

6.2.2 All existing boundary hedges and trees are to be retained which will help assimilate the building into the wider landscape. As such it is considered that the proposed agricultural shed will not harm the character and appearance of the area and complies with the provisions of LDP Policies LC1 and LC5 in that it would not cause significant visual intrusion or adverse change in the character of the built or natural landscape. The building is insensitively or unsympathetically sited within the landscape and does not introduce or intensify a use which is incompatible with its rural location.

6.3 Impact on Amenity

6.3.1 It is proposed to house up to 500 breeding ewes in the building for approximately two months of the year and 80 cattle for approximately six months of the year. Clearly, any livestock building will result in some odour and noise from the animals but given the location of the application site in the open countryside, this should not be unexpected. There are no dwellings within a 200m radius of the building and as such, any noise or odour will be within tolerable limits.

6.3.2 Waste will be taken from the site and spread across the remainder of the holding as fertilizer. The total land available for spreading manure is 166 hectares. On this basis, the proposed use of the building to house livestock for 8 months of the year will not result in a loss of residential amenity for local residents and the proposal meets the provisions of LDP Policy EP1.

6.4 Biodiversity

6.4.1 The land on which the building is proposed to be sited is currently used for grazing and as a result has little quality in terms of biodiversity. No trees or hedgerows are to be removed as part of this application.

6.4.2 PPW11 requires that all new development provide net gain for biodiversity. As part of the development, it is proposed that a bat box and sparrow terrace will be erected on the west elevation of the proposed building. Provided that this is implemented, then this requirement will be met. A condition to ensure implementation can be added to any consent should Members be minded to approve the application.

6.4.3 On this basis of the above, LDP Policy NE1 is considered to have been complied with.

6.5 Foul Drainage (phosphates)

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

6.5.2 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

No increase in phosphates as a result of the development. The total nitrogen produced on the farm has been calculated in accordance with Welsh Government guidelines as 15,280 kg while the total nitrogen capacity of the farm is (170kg N/ha) 28,308 kg N.

6.5.3 Subject to the manure being managed in accordance with the Manure Management Plan and the structure being designed and built by a suitably qualified engineer to meet the standards set in the SSAFO Regulations and BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading), then NRW have advised that the development is unlikely to increase the amount of phosphorus entering the catchment. The applicant has confirmed that the structure will be designed and built to these standards and a condition to ensure compliance can be added should Members be minded to approve the application. Therefore, it can be concluded that the proposal is not likely to have a significant effect on the River SAC in terms of nitrogen levels as the farm has sufficient capacity to dispose of all manure produced by all enterprises in accordance with the relevant regulations and legislation.

6.6 Highway Safety

6.6.1 There is no increase in livestock numbers over and above the breeding ewes and suckler cows already held on the farm. Housing of this livestock on this part of the holding over winter and when lambing will not result in a significant increase in traffic using the local highway network and no new hardstanding or access is proposed as part of this application. On this basis it would be unreasonable to refuse the application in highway safety grounds.

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

6.7.1 This application for a livestock shed is an extension to the agricultural shed granted approval and constructed early in 2020. Objections received state that the impression given to the local planning authority at the time of that previous application was that the site is a part of a farm of 182 hectares that has been in agricultural use for 100 years. This farm referred to is situated 10 miles away and has no physical link with the application site. The proposed building is located on a separate area of 17 hectares. As such the existence of the current empty shed should carry no weight.

6.7.2 For the purposes of the previous and current applications, there is no requirement for the holding to all be on the same connected site and the building can reasonably be required to assist with the farming of the wider site.

6.7.3 The proposed development includes a Manure Management Plan which has been assessed by NRW who are the Statutory Advisors on such matters. They have concluded that provided that the management plan is followed, there will be no risk to ground water and as such, no risk to local residential amenity.

6.7.4 All other objections have been addressed elsewhere in this report.

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

6.8.1 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.

6.9 Conclusion

6.9.1 The design and siting of the proposed agricultural shed is considered to be appropriate in terms of the potential impact on the character and appearance of the surrounding area which is open countryside.

6.9.2 The use of the building is unlikely to adversely affect the amenity of local residents that are over 200m away from the site.

6.9.3 Compliance with the Manure Management Plan will ensure that there is no adverse impact on the River Usk SAC or the wider area in general.

6.9.4 The proposed development meets the requirements of LDP policies RE5, LC1, LC5, DES1, EP1 and NE1.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 All animal waste shall be disposed of in accordance with the Manure Management Plan by Williams Associates (August 2021).

REASON: To ensure that there is no adverse impact on local amenity and to protect the River Usk SAC in accordance with LDP Policies EP1, RE5 and NE1.

4 The mitigation shown on approved drawing Proposed Elevations dated 2/3/21 shall be provided prior to the first beneficial use of the extension and shall be maintained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

5 No lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the elevations of the building.

REASON: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern and to ensure compliance with LDP Policy NE1.

6 The structure shall be designed and built by a suitably qualified engineer to meet the standards set in the SSAFO Regulations and BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading).

REASON: To ensure that there is no adverse impact on local amenity and to protect the River Usk SAC in accordance with LDP Policies EP1, RE5 and NE1.

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 We advise you consider the requirements applicable to the holding which come into force under the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. With regard to nutrient management requirements, phosphorus should be considered in addition to

nitrogen. Incorporating organic manures into the soil as soon as possible reduces odour, ammonia loss and the risk of run-off.

Application Number: DM/2021/00961

Proposal: Construction of agricultural fruit store/eco building, with compost toilet and solar panels

Address: Land near Gwehelog Common, Gwehelog Fawr, Usk, NP15 1RE

Applicant: Mr Tom Newman

Plans: Other SEPTIC TANK - , Location Plan AL(00)01 - , Floor Plans - Proposed AL(01)01 A - , Elevations - Proposed AL(01)02 A - , Elevations - Proposed AL(01)03 - , Site Plan AL(90)01 A - , Other SW(00) 01 A - , Ecology Report Ava Ecological Surveys and Contracting, 22/04/2021 - , Other Drainage Statement V.2 by Gyhston Engineering - 23/03/2022, Design and Access Statement (April 2021)

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 10.06.2021

This application is presented to Planning Committee due to the number of objections and as requested by the (former) Local Member.

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing fruit farm in the open countryside near the village of Gwehelog. The site is located on land adjacent to Plumtree Cottage some 5 kilometres north of Usk. The site is presently used as agricultural land for fruit growing. The fruit farm extends over an area of 3 acres (1.2 hectares). The site is a working orchard and has around 300 small fruit trees. Each tree is around 1m in height. The applicant wishes to use the fruit to make speciality beer and requires a storage unit on site. Brewing of the beer/cider will be undertaken off site.

The site is generally open and the gradient slopes slightly to the south and the west. There are currently no structures situated within the application site. A small section of woodland lies immediately to the north and to the west of the site, which would not be affected from the proposed development.

Access into the fields, in which the application site is located, is attained via a track which is opposite the property called Merles. This existing access lane leading to the field is narrow, approximately 2.5m to 3.0m wide, with a 90 degree bend in the field. The overall access into the site is generally open and bounded by post and wire fencing and hedgerows, which is consistent with the adjacent boundaries.

The site is not within a flood plain or other designated area but is within the Phosphorous Sensitive Catchment Area of the River Usk SAC.

1.2 Proposal Description

This is a full planning application for the construction of an agricultural fruit store (with an area for small-scale crushing of the fruit) 'eco building', with a composting toilet for staff and associated sustainable drainage systems, linked with improving the irrigation and overall biodiversity of the site. The fruit would be crushed by use of a small-scale hydraulic fruit press. The proposed single

storey building is to provide a storage area for agricultural equipment and fruit crushing and storage tanks and will have a floor area of 6m x 16m. Due to the nature of harvesting, large volumes of fruit will be collected at one time of the year. The building will be split into three areas; 25% will be used to crush the fruit, 25% for the storage of the crushed fruit in a stable condition and 50% for storage of agricultural equipment for the maintenance of the fruit orchard.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00961	Construction of agricultural fruit store/eco building, with septic tank and solar panels.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
 S13 LDP Landscape, Green Infrastructure and the Natural Environment
 S16 LDP Transport
 S17 LDP Place Making and Design

Development Management Policies

LC1 LDP New Built Development in the Open Countryside
 LC5 LDP Protection and Enhancement of Landscape Character
 RE4 LDP New Agricultural and Forestry Buildings
 DES1 LDP General Design Considerations
 EP1 LDP Amenity and Environmental Protection
 EP5 LDP Foul Sewage Disposal
 NE1 LDP Nature Conservation and Development
 MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Gwehelog Community Council - General Comments:

The proposed building is large and of an inappropriate size in proportion to the size of the site; the design of the building does not appear to reflect a traditional 'agricultural design'.

Concern was expressed that there is reference to fruit processing being undertaken on the site - does the actual orchard size and subsequent level of fruit production, warrant processing on site? Detail of the fruit processing is not shared and therefore, might it be more appropriate to situate on a light industrial site?

The access road to the site is shared and there is concern that the entrance and access road to the site is narrow and given an increase in traffic and heavy vehicles using it would be inevitable, there must be recognition of what the resulting impact might be.

There appears to be no parking provision for vehicles - presumably any deliveries/staff/visitors may require parking.

There appears to be no rest room provision for 'any employees' but a septic tank provision is made.

The Community Council did acknowledge the site may produce the opportunity for gainful employment for local people, which is needed in the area particularly in relation to agricultural work.

National Air Traffic Systems (NATS) - 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.

Natural Resources Wales (NRW) - No objection subject to attaching the following conditions to any planning permission granted:

Condition 1: Foul Drainage

Condition 2: Document to be conditioned - Section 6.2 of Preliminary Ecological Appraisal written by Ava Ecological Surveys and Contracting, 22/04/2021.

We note from the information submitted that a private sewage treatment system discharging domestic wastewater to ground is proposed. The information set out in the section titled 'What does this mean for development proposals involving private sewerage treatment systems' has been submitted with the application.

It should also be noted that our Planning Advice states: "Also, to ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground. The density of discharges to ground should also not be greater than 1 for every 4ha (or 25 per km²)." We note from the information submitted (Drainage Statement v2, dated 23rd March 2022, subject Gwehelog Fruit Production Barn) states, 'The drainage field is then proposed to be further into the site such are not to disrupt access routes, and to be located a minimum of 50m from the spring source and a suitable distance away from neighbours and buildings generally' and it also states, 'Conversations between the applicant and neighbours have confirmed that the surrounding properties enjoy a connection to Welsh Water's supply network and there are no operational Wells / boreholes supplying drinking water in the area.' Based on these statements, our advice is that you should be satisfied that this information is correct, and that the proposal is unlikely to have negative impacts on the local potable water supply.

We would also ask that your authority includes a suitably worded condition to ensure that urine only is discharged, and that no other chemicals or liquids are discharged to/from the compost

toilet. Please note, if chemicals were to be routinely discharged, this would be seen as an activity under EPA 2016, Schedule 22, Groundwater, and would be an offence.

In light of the above information, we advise that your Authority should screen the proposal through a HRA. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We note the Preliminary Ecological Appraisal (PEA) submitted in support of the above application (Ava Ecological Surveys and Contracting, 22/04/2021) has identified that mature trees on site provide high potential for roosting, foraging and commuting bats. We also note and support the recommendations in section 6.2 of the PEA. Therefore, if you are minded to grant planning permission, you should include the above PEA within the condition identifying approved plans and documents on the decision notice.

MCC SAB - Site is under 100m² and therefore will not require SAB consent. From reviewing (on 08.07.2021) the documents included in the application the proposed site layout and drainage system would not increase the flood risk to or from the site.

MCC Highways - The highway authority does not object to the proposal but would recommend that the following condition is attached to any decision notice;
The access shall be hard surfaced for a minimum distance of 10m behind the edge of highway in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved being brought into use.

Dwr Cymru- Welsh Water - It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

SEWBRc Search Results - No significant ecological record identified

5.2 Neighbour Notification

Thirteen objections received:

1. The size of the proposed building is a light industrial unit and not a fruit store.
2. There is no provision in the application for parking of vehicles for Staff, or Visitors.
3. There is no hard standing or road to the Unit for deliveries of equipment or raw materials, or room for transportation of finished products.
4. The access to the unit is inadequate for the narrow Country lanes, and would cause safety issues to the local cyclists, ramblers, horse riders, dog walkers etc.
5. Damage to the local lanes, which are already suffering from lack of maintenance, would be severely increased.
6. I am not aware of any electricity or water supply to this field, so a storage barn/unit would be fine but a light industrial unit, would need these Utilities.
7. A good business plan, properly costed is required.
8. This appearance seems more akin to a house than an 'agricultural fruit store'.
9. The fruit trees are few and young. It will take many years to offer yields to sustain such a large development, which means the majority of fruit would need to be brought into the site.
10. If the applicant requires a processing building of this scale is the intention to import other fruit by road? If so, the current surrounding road network is inadequate for this to be done safely.
11. Does the letter of support from the local authority's Rural Projects Procurement Manager, dated over 12 months ago, actually refer to this application?

12. I suspect that if this application is approved within 2-3 years there will be a request for a change of use to a house. Ask the applicant to resubmit with a steel framed agricultural building, then I would welcome this application

13. I understand that there are facilities at the Raglan and Llancayo industrial units where they provide for such family businesses as brewing and apple pressing. Electricity, water and drainage on site. Easy access for employees, visitors and safe and lock up compound.

14. There is no known history of brewing or apple processing in this quiet rural area with very narrow lanes and no public passing places other than private entranceways.

15. Traffic issues in respect of construction - noise nuisance.

16. It appears that the intention is to store untreated human faeces in a stack of old car tyres. That is disgusting. I object on the grounds that:

- The proposed site of this raw sewage is within a few feet of the boundary with our property.
- I am concerned about the smell.
- It can attract rats which can eat human waste and spread disease.
- It has to be composted for a number of years
- The waste can contain pathogens or parasites and the compost should not be used on, or disposed of, near growing areas (such as an orchard).

17. There are significant omissions in all of this correspondence including the assessment by NRW, in that it deals with toilet facilities for the alleged workers only. No mention is made of the effluent produced by any processes carried on in the 'fruit shed'.

5.3 Other Representations

MCC Rural Programmes Procurements Officer - Letter of support:

This project has the makings of an exemplar and sustainable rural enterprise which has the potential to create and safeguard jobs locally. It aligns well with the Well-being of Future Generations Act together with local/regional economic development policies and the Vale of Usk Local Development Strategy.

The project also looks to be an excellent example of giving due regard to the environment and biodiversity, together with an ethos to be carbon neutral encompassing a number of renewable energy measures, whilst adding to Monmouthshire's reputation for producing quality food and drink.

I am pleased to offer my full support subject to planning and other necessary consents.

Usk Civic Society - Usk Civic Society objects to this application to build a fruit shed with a septic tank and solar panels in a rural location near Gwehelog Common. It considers that the application is lacking in candour about the intended use of the building. Its size and design is not in proportion with the yield of the small orchard which it is intended to serve. This suggests that produce from elsewhere will be trucked in down unsuitable local lanes and puts into question MCC Highways assessment of their suitability.

The plans lack details of access and turning arrangements for vehicles within the site, and the applicant does not control the access lane, so cannot effect the improvements which might make it fit for use. Highways suggested condition requiring at least 10 metres of metalled surface at the junction would therefore not be possible. Those who know the location state that the rest of the track would become unusable by many road vehicles in wet conditions.

The scale of enterprise which would be appropriate to the small orchard cannot reasonably justify a building of the size and with the design features (stone built, slate roof, oak window frames, solar panels, double glazing, bifold doors) which are proposed. A septic tank looks like overprovision for seasonal workers cultivating the orchard and processing the fruit (surely not two full-time jobs worth).

As various local residents have pointed out, there is a clear sense that the applicant's intentions for the building are not what he currently states, and could be anything from a brewery, visitor centre, farm shop or some form of residential use.

In view of the apparent mismatch between the applicant's declared purpose in erecting the shed and other statements which half-admit that he anticipates the role of the building changing over time it is difficult to have confidence that this application is in conformity with LDP policies governing development in the open countryside.

Gwehelog is a very rural location, and as various objectors have pointed out, even the stated uses for the shed could very easily (and probably more cheaply) be carried on in other local premises in more suitable places

5.4 Local Member Representations

Former County Cllr Val Smith - I applaud initiative but this design for the proposed use is inappropriate. I would wish this presented to committee if recommendation is approval.

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

6.0 EVALUATION

6.1 Principle of Development

The proposed building falls to be considered under Policies S10 and RE4 of the Local Development Plan (LDP). Policy S10 generally supports rural enterprise and states that: Development to enable the diversification of the rural economy will be permitted outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Development must re-use or adapt existing buildings where possible. There are exceptional circumstances in which new buildings may be permitted outside settlement boundaries to assist in the diversification of the rural economy.

More specifically, Policy RE4 relates to new agricultural buildings and allows new buildings as well as any means of access provided that they meet the following requirements:

- a) the building or access is reasonably required for agricultural or forestry purposes;
- b) adequate provision is made for the disposal of foul and surface water and any animal waste without risk to features;
- c) the proposal complies with Policy LC1.

Policy LC1 relates to new built development in the open countryside;

There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

Policy LC5 requires that;

Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment

This building is proposed to be used to crush and then store and blend in tanks, the fruit from the surrounding orchard. Should the emphasis move more towards the processing of the fruit rather than simply crushing and storage, then the building would become a mixed use of agriculture and light industry (B1) and a new application would be required which would be determined on its own merits. The crushing would be done using a simple 100L hydraulic press and the scale of this is not considered to be industrial in nature.

It should be noted that the proposed development would have a relatively low impact on the existing ground conditions and would not have significant foundation or infrastructure requirements. As such the integrity of the agricultural fields would not be impacted.

The fruit will generate between 12000L and 20000L of juice and up to 30, 000L when blended to make fruit beer. This will generate a sales value of up to £10 per litre if aged as a premium craft beer. The intention is to provide the Monmouthshire area with a new local fruit beer.

6.2 Sustainability

6.2.1 Good Design

The proposed building measures 112m² in area with an eave's height of 3.5m (6m to the ridge) to allow head room to access the fruit 3m vessels safely. The building will comprise an area for fruit collection (4x6m), fruit crushing (4x6m) and fruit storage (8x6m), which can be seen on the submitted plans.

The proposed building will be finished using natural stone and timber building, a slate roof and dark coloured upvc windows. This type of building is considered to be in keeping with the local vernacular and the materials will help the building blend in with the rural surroundings. It is noted that although the materials are of higher quality than the more common steel framed metal clad agricultural sheds, it does retain a functional rather than domestic appearance, mostly due to its scale and large openings. It would not be reasonable to refuse the application based on the assumption that all agricultural buildings should use standardised materials.

The proposed building is therefore considered to meet the requirements of LDP Policy DES1.

6.2.2 Energy

The proposed building will be carbon negative through solar power usage and a very high insulation specification. Solar panels will be installed on the roofing of the building due to the need to maximise solar exposure. The panels will be connected to a national grid connection beyond the site boundary.

6.3 Landscape

The site is located within the open countryside, where residential dwellings consist of predominately individual residential dwellings or farms found across the landscape. The proposed building dimensions is 16m x 7m x 6m and its construction at the entrance to the site will not require the removal of any significant vegetation except bracken, nettles and a small elder tree. The protection, retention and reinforcement of existing landscape features are the key feature of the landscape and visual mitigation. The orchard will be managed sensitively to encourage biodiversity. The use of high quality materials will help the building to assimilate into the landscape and it is also relatively small compared to other agricultural buildings also used for storage. On this basis it is considered that the proposed building meets the requirements of LDP Policies LC1 and LC5.

6.4 Biodiversity

The Preliminary Ecological Assessment (PEA) report submitted with the application concludes that the proposed development would be unlikely to result in any significant loss of wildlife features, or adverse impacts to habitats or species of ecological value. However, it has identified that mature

trees on site provide high potential for roosting, foraging and commuting bats. NRW note and support the recommendations in section 6.2 of the PEA. Therefore, if Members are minded to grant planning permission, the decision notice will include the PEA within the condition identifying approved plans and documents. Subject to implementation of the recommendations of the PEA, the proposed development will accord with LDP Policy NE1.

6.5 Impact on Amenity

There are three residential dwellings that are located within close proximity to the proposed project. Although one residential property enjoys existing views of the site, appropriate screening (existing trees on the eastern boundary) and use of sympathetic materials will effectively mitigate against any loss of outlook over the site and consequently ensure that the visual outlook of the neighbouring dwellings is not impaired to an unacceptable degree.

As detailed in section 6.1 of the report, the crushing of the apples would be done via use of a 100L hydraulic press. Officers are of the view that equipment of this scale would not give rise to unacceptable noise, the nearest property (Plum Tree Cottage) is located approximately 30m to the West. Furthermore the building is not open sided and would therefore contain any noise created by the presses when in use.

As such, the proposed development would maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties and therefore meets the requirements of LDP Policies DES1 (d) and EP1.

6.6 Highways

6.6.1 Access / Highway Safety

The application proposes access from the adjacent publicly maintained highway, an unclassified rural lane, route C215.2 via an existing unmade field access. Given the type of this proposal it is considered that limited parking or transport provisions are required.

The Council's Highway Engineers have advised that the vehicle movements generated by the proposed storage building is not considered to be detrimental to the capacity and safety of the immediate highway network, however it would be advisable to improve the access to ensure that transition from and to the public highway is as safe and convenient as possible and the highway authority recommends that the access is hard surfaced for a minimum distance of 10 metres from the edge of the public highway to ensure a safe transition, prevent mud being dragged onto the highway and damage to the edge of the public highway. A condition is recommended to ensure this is provided.

Parking can be accommodated adjacent to the building on the access area/hardstanding.

6.7 Drainage

6.7.1 Foul Drainage

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

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued

on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Private sewage treatment systems discharging domestic wastewater to ground built to the relevant British Standard where:

- the drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain, and
- the drainage field is located more than 50m from a SAC boundary, and
- the maximum daily discharge rate is less than 2 cubic metres (m³).

In terms of evidence that Circular 008/2018 has been followed, the first presumption would be to connect to a public sewerage system, however due to the remote location this is not available. The second choice would be for the use of a package treatment plant. This is not suitable in this instance due to the irregular habitation of the building. This will be largely a seasonal activity with concentrated activity around autumn to harvest, store and crush the fruit, with maintenance being carried out throughout the rest of the year. A package treatment plant requires a regular amount of inflow in order to maintain the biological activity which is used to treat the effluent. With such widely varying quantities of effluent it is likely that the treatment plant would fail to maintain a suitable biomass and would be unable to treat the effluent when called to do so. The third choice would be a septic tank which relies upon settlement of solids within the tank itself and the effluent is then discharged over a wide area (drainage field) enabling the natural biology contained within the soil to treat the received effluent without overloading one specific area. However, in this case it was found that there would be a cumulative impact due to the number of other private discharges to ground within the area of the application site.

Correspondence was received from NRW raising concerns regarding the use of a septic tank on this site due to the proximity of other discharges to the ground water from the foul water treatment plants of neighbouring properties creating a combination effect. Therefore, a composting toilet solution is being proposed for this location. This would appear suitable considering its rural location and very low proposed usage (typically occupied for less than 3 days / week) and as only urine would be discharged to the ground, the impact of this solution would be less than a septic tank. The solids will be composted down for 2-3 years. This has been shown by the manufacturers to be sufficient time to break down the harmful processes within the waste such that the resultant compost can be utilised on the saplings within the proposed orchard.

The proposed layout sets out the location for the composting toilet at the front of the building with a carrier pipe transporting the urine to the proposed drainage field. The drainage field is then proposed to be further into the site such as not to disrupt access routes, and to be located a minimum of 50m from the spring source and a suitable distance away from neighbours and buildings generally. The ground has been shown to be suitable for infiltration and not at risk of high ground water, rising ground water or flooding. No evidence has been found that there are active groundwater abstractions within 50m of the proposed drainage field (nearest borehole is at Orchard Cottage, Trostrey, 1.2km away - established from British Geological Survey mapping). Conversations between the applicant and neighbours have confirmed that the surrounding properties enjoy a connection to Welsh Water's supply network and there are no operational wells / boreholes supplying drinking water in the area.

There are precedents of discharge to groundwater from the local residents which suggest that there is no reason that this proposal would be unacceptable, and quantities of discharge would be less than 2m³ per day considering that the use would be for toilet only. Calculations to evidence this have been provided by the applicant within their Drainage Statement Version 2. It is therefore concluded, and agreed by NRW, that the proposed composting toilet installation is a suitable and appropriate solution to treating effluent discharged from this development and will not adversely affect the River Usk SAC.

6.7.2 Surface Water Drainage

The Council's SAB Officer has advised that the proposed drainage system will ensure any increased runoff created by the structure will be managed and infiltrated into the ground in

accordance with standards. The site has no existing overland surface water flow routes (NRW Flood Maps) that would be impacted by the proposed development.

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

6.8.1 The use is required as there is currently no building on the site for servicing fruit.

6.8.2 The future use of this building is not considered to be part of this application, but there would be a general presumption against the approval of a subsequent application to convert the building to residential use. The fact that the building is of higher quality is not a reasonable reason for refusal given that the future use of the building as anything other than what is applied for in this application can be controlled.

6.8.3 With respect to highways /traffic concerns, the use of the building (even with regular staff visits) will be less than the use of adjacent households due to the nature of slow processed fruit juices. It is noted that the Highway Authority have not raised any objections to the proposed building subject to a condition requiring hard surface by the junction of the access track and the public highway.

6.8.4 The proposed compost toilet has been considered by NRW to be acceptable. The storage and decomposition of the solid waste is covered in the Drainage Statement Version 2 submitted as part of this application, compliance with which can be conditioned. This type of foul drainage is tried and tested and when managed correctly, does not present any risk to human health.

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

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

6.10 Conclusion

6.10.1 The provision of a high quality building for the storage and crushing of fruit in association with a fruit farm meets the requirements of LDP Policies LC1, LC5 and RE4.

6.10.2 The Eco credentials of the development and the underlying environmental sustainability benefits this scheme in the context of Planning Policy Wales, Technical Advice Notes and Monmouthshire County Council's Local Development Plan. Planning Policy Wales has set out clear objectives which seek to achieve a low carbon economy so as to be commensurate with UK guidelines on climate change. This site is set out to support the principle of renewable energy schemes and sustainable development as shown in Planning Policy Wales.

6.10.3 The use of the building for any other purpose except those referred to in this submission would require the benefit of further planning consent.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 The building hereby approved shall be used for fruit collection, fruit storage and fruit crushing in accordance with the zoned areas only as detailed in Figure 2 of The Design and Access Statement (April 2021). All fruit used shall be harvested from the site only, as edged in blue on drawing AL(00)01, and no fruit shall be imported to site.

REASON: To ensure compliance with the approved plans and so that the building is not used for processing or industrial uses.

4 The access shall be hard surfaced for a minimum distance of 10m behind the edge of highway in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved being brought into use.

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

5 The compost toilet shall be managed in accordance with the Drainage Statement V.2 by Ghyston Engineering dated 23rd March 2022. Urine only is discharged shall be to/from the compost toilet and no other chemicals or liquids shall be discharged to/from the compost toilet.

REASON: In the interests of local amenity and to protect the River Usk SAC in compliance with LDP Policies EP1 and EP5.

6 Prior to commencement of any development details of all hard landscaping (including all vehicle and pedestrian access and circulation areas and all hard-surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such in perpetuity.

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

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 Please note that urine only should be discharged to ground from the compost toilet. No other chemicals or liquids should be discharged to/from the compost toilet. If chemicals were to be routinely discharged, this would be seen as an activity under EPR 2016, Schedule 22, Groundwater, and would be an offence.

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Application Number: DM/2021/01693

Proposal: Demolition of existing dwelling and erection of a replacement dwelling and an additional dwelling

Address: Overdale, 1 St Lawrence Road, Chepstow, NP16 5BJ

Applicant: Mrs Alison Worgan

Plans: Location Plan 2171/01 - , Bat Survey Sylvan Ecology - , Floor Plans - Proposed 2171 11 B - Floor Plans1, Elevations - Proposed 2171 13 E - Elevations 1, Floor Plans - Proposed 2171 301 B - Floor Plans 2, Elevations - Proposed 2171 302 E - Elevations 2, Site Plan 2171 12 C - Site Plan

RECOMMENDATION: Approve subject to a s106 Legal Agreement

Case Officer: Kate Young
Date Valid: 12.10.2021

This application is presented to Planning Committee as there have been unresolved objections from neighbours and Chepstow Town Council have recommended refusal

1.0 APPLICATION DETAILS

1.1 Site Description

Overdale, No.1 St Lawrence Road is a two-storey detached property which is in a very poor state of repair and currently vacant. The dwelling occupies a substantial plot in a prominent location at the entrance to Chepstow. There is an existing driveway from St Lawrence Road via a no through road. There is a detached concrete garage and an air raid shelter in the garden. The boundary treatments comprise of close-boarded fencing and hedging. There are some trees within the site but most of the vegetation has been cleared.

The site is located within the Chepstow Development Boundary, just outside of the Air Quality Management Area.

1.2 Value Added

Following negotiations with officers the design and layout of the proposal has been altered to protect residential amenity. Further amendments have been made to the detailed design of the dwellings.

1.3 Proposal Description

The application seeks the demolition of the existing house and garage and the erection of a two-storey replacement dwelling. The proposal would utilise the existing vehicular access off St Lawrence Road and parking would be provided at the front of the site. The replacement dwelling would be "L" shaped and have a larger footprint than the existing. The south west elevation of the replacement dwelling will be the most visually prominent in the street scene, containing feature glazing and would be 8 metres wide. The total depth of the dwelling would be approximately 17.5 metres long.

The application also seeks the erection of a new dwelling in the rear of the site. This dwelling would measure 10 metres by 11.5 metres with bifold door at the front and rear. This dwelling would have a hipped roof and be a maximum of 7.5 metres high. This property would share the existing vehicular access with the replacement dwelling; a new driveway would be provided to the side of the plot serving three parking spaces to the front of the new dwelling. Both houses would be finished in self coloured render and facing brick. They would have concrete roof tiles with timber doors and fenestration details.

A Bat Survey Report was submitted in support of the application.

2.0 RELEVANT PLANNING HISTORY - None

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

Development Management Policies

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

Settlements

SD4 LDP Sustainable Drainage

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 SPG July 2019:

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

Infill Development SPG November 2019:

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

Domestic Garages SPG (January 2013):

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>

Monmouthshire Parking Standards (January 2013)

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council – Refuse

1. The Town Council consider this to be an overdevelopment of the site and is against DES1 (l).
2. The Town Council have concerns regarding the access and egress into the site and is against- DES1 (b).

MCC Environmental Health - No objection.

MCC Highways – Raise concerns.

The applicant has submitted revised site layout drawing No. '2171/03C. However, we remain concerned over the proposed 3m width of the private driveway based on considerable length to the new dwelling. We would therefore wish to see some widening of

the driveway to at least 4.1m (shared access standard) at the locations highlighted below which will further aid with turning at the front of the site and also provide passing points for any vehicles serving the dwelling to the rear. The widening will also aid the ease of access and egress of larger delivery vehicles.

Dwr Cymru-Welsh Water - No objection but recommends a condition requesting that a drainage scheme be submitted before work commences.

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

MCC Ecology – Recommend Conditions

This level of survey effort and assessment is considered proportionate to the nature and scale of the application. However further information in relation to the net benefit of the scheme, lighting details and a landscaping plan are requested. These can be addressed through a condition.

MCC Tree Officer - Raises concerns over the development in relation to the root protection zones of the Oak and Sycamore Trees on site. The officer has requested additional information in relation to a tree survey for all trees on site, that the proposed plans show the retained trees as stated, that the tree constraints plan shows the provision of service runs, that an arboricultural method statement be provided detailing how the parking areas and any new service runs would be constructed without causing damage to any roots in that area.

5.2 Neighbour Notification

Following re-consultation on the design amendments on the on the 08/04/22, letters of objection were received from 3 addresses. The issues raised include:

- Overdevelopment of the site
- Back Land development not in keeping with existing use and without precedent where there is no car access
- Too close to other properties, loss of privacy
- Loss of light
- Impact on the eco-system
- Inadequate drainage to support a new property
- The amended plans do not overcome our original objections
- Inadequate access within the site
- Giving vehicular access to the back of the replacement dwelling also presents significant security issues
- The existing electricity pole is not shown on the plans
- Light, air and noise pollution.

Objections received following re-consultation on 10/03/22 on amended plans from 5 addresses:

- The increased footprint of the two-storey dwelling (main property) will significantly impact the view and light at the rear of my property
- There will be seven windows on the side of the house which will overlook my property.
- Garage at the front will adversely affect the street scene, general objection to rear garage
- Access road to the rear is on the common boundary and will cause disturbance and security risk
- Unacceptable noise pollution

- Overlooking
- Loss of sunlight, loss of privacy
- The footprint of the dwelling should be reduced in size
- There is no precedent of back gardens being used as parking areas, or indeed having garages
- There is no detail of the large electric power post the supplies over 20 properties
- There is a significant cost to resupplying power for all these properties if the current power supply is moved as well as structural change to everyone's garden.
- The amendments do not go far enough, the new dwelling will be too close to properties
- The removal of tree screening increases the impact of traffic from St Lawrence Road but the new tree planting will potentially block sunlight to the garden
- No bat report for the underground air-raid shelter in the garden
- Vehicular numbers using the drive cannot be controlled

Initial objections received from 5 addresses

- I support the development of the original house however the main drain from Overdale runs into the neighbouring property; a new drain will be required
- Overlooking
- Loss of outlook
- Disturbance from the access road so close to the boundary
- The access road will be a security risk.
- Not in keeping with the area
- Impact on the ecosystem with an increase in rodents.
- Loss of light
- Increase in noise
- Adverse impact on drainage
- Concerns for the overhead power cables and the air raid shelter
- Loss of light to a neighbour's property and garden
- Loss of privacy
- Not in keeping with the layout of the area.
- Overbearing Impact
- Garden Grabbing
- There are implications for noise, disturbance(on-going) and potential additional pollution close to the Air Quality Management Area.
- A taller fence would improve privacy
- A bungalow with an integral garage would be less intrusive
- Reduce the footprint to give more space and distance at the boundaries

5.3 Local Member Representations

Cllr Pavia - In relation to this application, while I would welcome development on this plot to replace the derelict structure that is there now, what has been submitted is wholly inappropriate for the area in terms of its design, its orientation and in relation to the additional property at the rear and associated access road (over-development). Residents from St Lawrence Road, Newport Rd and Hilltop have all raised concerns and the disproportionate impact the proposed plans will have on them from their various perspectives and vantage points. The plans submitted look extremely tight for the footprint and there are significant issues in terms of noise and air pollution, highways access and access to utilities.

Therefore, I would like to formally object to the proposals that have been submitted.

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

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

6.0 EVALUATION

6.1 Principle of Development

With regards to the new residential development, the site is located within the Chepstow Development Boundary. Policy S1 of the LDP says that the main focus for new housing development is within the County's main towns and the Severnside sub-region. Policy H1 of the LDP supports new residential development within development boundaries, subject to detailed planning considerations. The principle of new residential development in this location is acceptable in policy terms. PPW11 recognises the need to provide sufficient housing in an area to meet housing need. PPW states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The existing property at Overdale has no particular architectural merit and is in a poor state of repair; there is no policy reason for retaining that property and its demolition is acceptable.

Approximately 120 metres to the north of this site is St Lawrence Close where a very similar development has been built. In January 1999 planning permission was granted for a pair of detached dwellings at the rear of Larkrise (now known as The Bays) and in 2002 an appeal was allowed for a two-storey detached dwelling at the rear of The Bays, all three of these dwellings share the same access which is between The Bays and Bravinium. In allowing the appeal, the Inspector took into account the impact of "Tandem Development" and the impact of the proposal on the spatial character of the area. He considered these to be acceptable.

This application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019.

6.2 Sustainability

The Local Development Plan and PPW encourages sustainable development and promotes making the most efficient use of brownfield land. This is a very sustainable location for new housing development being located close to the town centre within easy walking distance to a large range of facilities including shops, places of entertainment and medical facilities. The site is also close to public transport links. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

6.2.1 Good Design

6.2.1.1 Policy DES1 of the LDP requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. In this area of Chepstow, the properties fronting onto St Lawrence Road are substantial two-storey dwellings, set back from the road and occupying spacious plots. As the inspector in the above-mentioned appeal points out, the properties to the east of this site are much more modest. The replacement dwelling will be seen in the context of the dwellings facing St Lawrence Road while the new plot to its rear will be seen in the context of the more modest properties to the east. In this case both the replacement dwelling and the new property to the rear will be in keeping with the spatial character of the area. The scale and form of the proposed new dwellings reflects the prevailing character of the area.

6.2.1.2 Detailed Design of the replacement Dwelling

It is the front elevation of the replacement dwelling that will be visually prominent within the street scene. The proposed gable end facing towards the road will be less than 8 metres wide. This is narrower than either the existing dwelling or the adjacent dwellings along the

street. The properties along this part of St Lawrence Road have a staggered building line with front gardens ranging from about 18 metres to 36 metres in depth. In this case the front elevation of the replacement dwelling will be slightly forward of the front elevation of the existing building and it will be in line with the front elevation of the adjoining property, Whipple Trees. The position of the property is in keeping with the prevailing character of the area. The front elevation will contain a high proportion of glazing and will have a contemporary design, although this is considered appropriate in this location. Following amendments to the design the amount of glazing has been reduced. The ridge height of the proposal is similar to other dwellings in the area. The replacement dwelling will have a long profile at 17.5 metres and there would be a side gable towards the back of the property. This makes the dwelling appear bigger on plan than it will be on the ground as the side gable is towards the rear of the property and set back in the site. There is no policy that says that replacement dwellings within development boundaries should have to have the same footprint as those that they replace; the consideration is the impact of the proposal on the street scene and the character of the area. In this case the form and massing of the new dwelling conform with the prevailing character of the area. The choice of materials is also acceptable. The mature tree at the front of the site will be retained. The proposed replacement dwelling will contribute to a sense of place whilst its intensity is compatible with surrounding uses.

6.2.1.3 Detailed Design of the New Dwelling to the rear of the site

The new dwelling will be set towards the rear of the site, roughly in line with the existing dwelling at Hedgerows. It will be heavily screened from the main road by the replacement dwelling. Therefore, the dwelling would be mainly read in terms of this immediate context to the rear. The new dwelling will not be visible from St Lawrence Road. It will be "L" shaped and measures a maximum of 10 metres by 11.5 metres. The principal elevation will face forwards towards the replacement dwelling. The rear elevation, containing a significant amount of fenestration will face towards no 1 Hill Top. The two side elevations will be kept blank except for a personnel door serving a ground floor utility room. The property would have a maximum ridge height of 7.5 metres which is compatible with that of other two-storey properties in the area. It would be finished in render with brick detailing and a roof of concrete tiles. The finishing materials are appropriate for this location and are in keeping with the character of the area.

6.2.1.4 The two proposed dwellings will respect the existing form, scale siting, massing, layout and materials of their setting. The proposal accords with the objectives of LDP Policy DES1 by providing a suitable scale and design of development.

6.2.2 Place Making

Policy DES1 of the LDP requires that the dwelling contribute to a sense of place while its intensity is compatible with existing uses. PPW 11 says that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the layout, form scale, visual appearance of the development does engage with its surroundings, providing new dwellings in an established residential area. The new dwelling (at the rear) will not be visually prominent from public vantage points, but it will be seen from the surrounding properties. The replacement dwelling provides a contemporary design that does respect the character of the area in terms of form and massing, and it will contribute to a sense of place. The proposal therefore complies with one of the key objectives of PPW11.

6.3 Landscape

Most of the vegetation on the site has been cleared although some trees do remain on the boundary. It is proposed to plant new trees along the rear boundary. There is a mature tree at the front of the site which will be retained as will the existing tree on the north-west boundary that is shared with Mayhill. A new hedge will be planted inside the site adjacent to the driveway. The additional planting will provide biodiversity enhancements and will also help to screen the new development. A new 2metre high close boarded fence will be erected along the south-eastern boundary which will provide greater privacy. Given the residential character of the area the level of landscaping is acceptable for this urban setting.

Objections have been received from the Authority's Tree Officer in relation to the trees on site requesting additional survey information and clarification of the protection of the trees on site. However, the two trees in question are specified as retained on the proposed site plan. The trees to the rear have lesser value than those at the front but still make a positive contribution to the landscaping and ecology of the site, and provide an element of soft division between properties. On balance it was considered that additional survey work was not necessary, and that any potential harm to the retained trees could be mitigated against with a condition that protects the root protection zones with a method statement to be submitted prior to commencement of demolition or construction on site.

6.4 Historic Environment

The existing building on the site is not listed and the proposal is not within a conservation area.

6.5 Biodiversity

A Bat Survey Report by Sylvan Ecology was submitted in support of the application. The survey found that:

"Given the results of the survey, it is considered that the redevelopment of the building is unlikely to result in any impacts on bats and an EPS Licence will not be required. Based on the conclusion that bats are unlikely to be using the structure as a roost site, according to the "Bat Mitigation Guidelines" the impact on bats is likely to be negligible. The site is considered generally unsuitable for hibernation; however, little is known about pipistrelle hibernation roosts, and due to the transient nature of many species, it is recommended that contractors be made aware of the potential presence for bats in the area via a toolbox talk prior to commencement of works. Should a bat be found, advice should be sought from a suitably experienced ecologist."

The internal and external building inspection survey undertaken identified no evidence of roosting bats but observed several features such as slipped roof tiles and cracks that had the potential to be used by bats. Therefore, the derelict existing house on site was assessed as having high potential for roosting bats. The existing garage was assessed as having negligible potential for roosting bats. Three emergence/re-entry surveys were undertaken at the property, no bats were observed exiting or entering the house. There was low commuting and foraging activity by common and soprano pipistrelles recorded around the site and surrounding habitat. The surveys have concluded that bats are unlikely to be using the existing house or garage buildings at the site.

MCC Ecologists set out that the bat surveys were undertaken in line with standard practice guidelines Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines and that the level of survey effort and assessment was considered proportionate to the nature and scale of the application, they agree with its conclusions. A license from Natural Resources Wales is not required for the development to proceed. MCC Ecologists outline conditions and informatives that will be required.

Planning Policy Wales (PPW) 11 considers that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that

development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. This proposal includes biodiversity enhancements in the form of, two bird and two bat boxes on each of the new dwellings these have been shown on the elevational drawings. The future development of the site offers an opportunity to enhance the application site's ecological value by the inclusion of these enhancement features and will help increase the carrying capacity of the site for bats. These are considered acceptable biodiversity net benefit measures for an application of this size. The proposal accords with the objectives of Policy NE1 of the LDP.

6.6 Impact on Amenity

The site is surrounded on three sides by residential properties. To the north of the replacement dwelling is a two-storey detached property known as May Hill. This property has a detached garage at the side, on the common boundary and a blank gable wall facing into the site. There are some single-storey outbuildings to the rear. The proposed replacement dwelling will have four first floor windows on the north-west elevation, which is the one that faces towards May Hill. All of the proposed first floor windows serve either a bathroom or a dressing room and will be of obscured glazing. This can be secured by condition. On the ground floor there are two windows facing towards May Hill, these serve a home office and bathroom, and will also be obscure glazed but as they are on the ground floor there will be no direct overlooking because of the 1.8 metre high close-boarded timber fence installed along the boundary.

To the south of the site is Whipple Trees. This is a two-storey property with a blank gable end facing into the site and a garage on the common boundary. The new driveway for the proposed new dwelling will run along the common boundary between Whipple Trees and the replacement dwelling. This relationship is similar to the access for the three new dwellings at St Lawrence Close, that was allowed 20 years ago and referred to at the start of this evaluation. Given the fact that Whipple Trees has its garage on this side elevation, the noise and disturbance from car head lights will not be so significant as to justify refusal, especially as a similar situation serving three dwellings has been allowed a few hundred metres away. There is also a close-boarded fence along the common boundary that will act as a screen. There are windows on the south-western elevation of the replacement dwelling facing towards Whipple Trees; on the ground floor these serve a lounge, living room and utility room. These face towards the garage and rear garden of Whipple Trees and are about 5 metres from the common side boundary. Loss of privacy from these windows will be prevented by the existing garage to Whipple Trees and the close boarded fence along the common boundary. Following negotiations with officers the level of first floor fenestration on the south-eastern elevation has been reduced and now at first floor level there is just one window on the south-eastern elevation, that serves the landing and is set at a high level to prevent overlooking.

To the north-east of the new dwelling is no 1 Hill Top, this is a two-storey dwelling with its side elevation facing towards the application plot. There is a car port to the side and no windows on the side gable. No 1 Hill top does have a conservatory to the rear. There used to be mature trees along this boundary, but they have recently been removed. The landscaping plans include new planting along this boundary between the application site and no 1 Hill Top. It is the rear elevation of the new dwelling that faces towards the rear garden of 1 Hill Top, the rear elevation is 10.8 metres from the common boundary, 15m to the side gable of the house and over 19 metres from the side of the neighbour's conservatory. This is compliant with the 15 metres of rear to side evaluation advised in the SPG relating to Infill Development. Furthermore, the conservatory is on the ground level and there will be a close

boarded fence and new planting on this common boundary so the proposal will not result in a significant level of overlooking or loss of privacy.

To the north-west of the new dwelling is the existing property Hedgerows. This is a two-storey property, with its side elevation facing towards the application site. This wall is blank except for a first-floor window which serves a landing. There will be 3 metres between the two properties. The proposed new dwelling will have no windows on this side elevation but there will be a door serving a utility room on the ground floor. The two properties will have almost the same building lines so that the proposal will not result in an overbearing impact or significant loss of privacy.

To the south-east of the site are three residential properties that are served off the A48 Newport Road. The application site is beyond their rear gardens, these properties all have rear gardens that are in excess of 20 metres long, although one has a rear conservatory which is approximately 18.5 metres from the common boundary. These distances are well in excess of those recommended in the Infill SPG.

Part 7.1 of the Infill Development Supplementary Guidance looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space
- b. whether a new house(s) on the plot would affect the privacy of neighbours
- c. whether a new house(s) on the plot would affect the host dwelling.

In this case the plot is of sufficient size to accommodate two dwellings with adequate amenity space and no significant adverse impact on neighbouring amenity. Given the orientation and design of the new dwellings, as outlined above the proposal will not lead to a significant loss of privacy for the existing occupiers of St Lawrence Road, Hill Top or Newport Road. The proposal accords with the Council's normal privacy standards for new development. The layout of the proposed development accords with the objectives of LDP policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the settlement of Chepstow within easy walking distance to all the amenities and facilities in the town centre and more immediate surroundings. The site is also within reasonable walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the County and the occupiers of these dwellings will be less reliant on the car to go about their daily business.

6.7.2 Access / Highway Safety

The applicant has submitted revised site layout drawing No. '2171/03C in response to the concerns initially raised by the Highway Authority. The respective parking and turning areas have been changed for both the new and replacement dwellings which now offer improved parking and turning space for visitors and delivery vehicles. The highway Authority would like to see the width of the private drive increased from 3 metres to 4.1 metres (the shared access standard). Planning officers however consider that a width of 3 metres is acceptable given that the driveway will now only serve one dwelling. The expected car movements to and from a single property is considered to be minimal and as more than half of the length of the drive only serves the rear dwelling it is not considered to cause a significant highway safety issue that would warrant refusal. If a car needed to reverse along the driveway there

are safe turning areas at the front and rear of the site so that this would not conflict with the main highway of St Lawrence Road. On balance the plans as proposed are considered to be acceptable.

6.7.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom for new dwellings up to a maximum of three per dwelling. In this case each house will have three off road parking spaces. There is adequate space within each of the new plots to turn a vehicle. The proposal accords with the adopted parking standards and complies with the objectives of Policy MV1 of the LDP.

6.8 Affordable Housing

Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Chepstow, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The replacement dwelling will not be required to make a contribution as there will be no net gain, however the new dwelling at the back of the plot will be required to make a financial contribution.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%. In Chepstow the CS rate is 120

The property has an internal floor area of 170 square metres, so the financial contribution required is £ 11,832.00

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. The proposal accords with Policy S4.

6.9 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15.

6.10 Drainage

6.10.1 Foul Drainage

The foul drainage will discharge into the mains drain. Welsh Water have offered no objection to this but request a condition that no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

6.10.2 Surface Water Drainage

The applicant has indicated that surface water discharge will be by way of a soakaway, and the site appears of sufficient size to accommodate this. If the application is approved, the scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

6.11 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.12 Planning Obligations

A financial contribution to affordable housing in the local area is required.

6.13 Response to the Representations of Third Parties and Town Council

Concerns are raised over the proposal's design and orientation. These issues have been discussed in detail in the main body of the report. The massing and form of the replacement dwelling does conform with the prevailing character and street scene along this part of St Lawrence Road. The width and height of the dwelling is comparable to the dwellings on either side. The design is contemporary which will enhance the area. The site is not located in a Conservation Area and there are no specific architectural styles that should be followed. The orientation of the replacement dwelling is in line with that of the adjoining properties along St Lawrence Road.

Concerns were also raised that the new dwelling at the rear of the site constituted over development of the site. The site is of sufficient size to accommodate a new dwelling while complying with the standards required in the adopted SPG on Infill Development. The proportions of the plot to garden ratio is similar to many other properties in the immediate vicinity. Other than during the construction stage there would be no significant increase in noise and pollution as a result of this development. A construction management plan can be imposed to restrict the hours of construction work on the site.

Objections were raised over the access and egress into the site, highway safety and impact on security and amenity of existing dwellings. Planning officers consider that the driveway to serve the new dwelling is of sufficient width given that it is to serve only one private dwelling. The access will be screened by a close boarded fence along its length and so there will be very limited impact of vehicle movements to neighbours, the limited disturbance from light and noise will be acceptable. Concerns were raised over security; however, these were not quantified. The private drive will be visible from the new dwelling and will have a degree of natural surveillance. There is no reason to assume this would increase risks to security.

Objections were raised about loss of privacy and overlooking, this has been covered in detail in the main body of the report. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development. In relation to the loss of light and sunlight to neighbouring properties given the location and orientation of the new dwelling it will not block light to adjoining properties. The replacement dwelling occupies a similar footprint to the existing two-storey house that currently occupies the plot.

Some objectors state that there is no precedent for this type of development. Although each application should be determined on its merits and a lack of precedent does not preclude the principle of the development, there is a precedent set for this type of development with the three new dwellings being approved in the last 20 years at the rear of The Bays just 120 metres to the north of this site.

As a response to initial concerns the garage to the front of the site has now been removed from the scheme.

In relation to the ecology concerns, the bat survey did not include the air raid shelter in the rear garden, but MCC ecologists have reviewed the report and raised no objections.

Comments were received in relation to the electricity pole at the rear of the site; that electric pole has now been removed and the services laid underground. This in any case, is not a material planning consideration.

6.14 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.

6.15 Conclusion

The principle of a replacement dwelling in this location is acceptable, the existing dwelling has no particular architectural merit that would require its retention. The existing dwelling has been vacant for a number of years and is in poor state of repair. A new dwelling in its place would improve the visual appearance of the area.

The site is located within the Chepstow Development Boundary within which both policy S1 and H1 presume in favour of the principle of new residential development. The principle of new residential development in this location is acceptable in policy terms and accords with the key objective of PPW11 by providing residential accommodation in sustainable locations. PPW states that proposals for housing on infill sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The proposal also accords with the advice in the adopted SPG for Infill Development and has an acceptable impact on the residential amenity in accordance with Policy EP1 of the LDP.

The design of the new dwellings is acceptable and will enhance the character of this part of Chepstow. The proposal accords with the objectives of Policy DES1 which seeks high quality sustainable design that respects the character of the area. Adequate access and parking provision will be provided within the site and the proposal accords with Policy MV1 of the LDP. Biodiversity enhancements are being provided ensuring that the proposal accords with Policy NE1 of the LDP. The proposal is policy compliant in all respects and accords with the objectives of PPW11 and the policies of the LDP - the application is therefore recommended for approval.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution of £11,832.00 towards affordable housing in the local area.

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

Conditions

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 commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall

provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

4 The biodiversity enhancement measures shown on the elevational drawings 2171 13E and 2171 302E shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than six months later than the completion of construction works.

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

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse shall be erected or constructed.

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

6 All of the windows on the south-west elevation of the replacement dwelling as shown on drawing number 2171 13 E 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.

7 Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Construction hours for this development shall be limited to:

0800hrs to 1800hrs Monday to Friday

0800hrs to 1300hrs Saturdays

No work on Sundays or bank holidays

REASON: To protect the amenity of local residents during the construction phase in accordance with policy EP1 of the LDP

8 Prior to the commencement of work on the site the new boundary fence as shown on drawing 2171 12C shall be completed in full and shall be retained in perpetuity.

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

9 The development shall be carried out in strict accordance with section 5 (Interpretation and Recommendations) of the approved "Bat Survey Report - Overdale, Chepstow by Sylvan Ecology, dated October 2021" report.

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

10 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

11 No removal of hedgerows, trees or shrubs, or building works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

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

12. No works of demolition or construction shall take place within the root protection zone of the retained trees to the front and the rear of the site until a detailed method statement of protecting the roots of the trees during any demolition or construction works has been submitted to and approved in writing by the Local Planning Authority. Any construction or demolition works shall then be carried out in accordance with the approved Tree Protection Method Statement.

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

INFORMATIVES

1 Bats - Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) 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 (0300 065 3000). Nesting birds - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September

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Application Number: DM/2022/00212

Proposal:

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.

Address:

King Henry VIII Comprehensive School, Old Hereford Road, Abergavenny, NP7 6EP

Applicant:

Monmouthshire County Council

Plans:

Other 210331-KHV111S-TCP-NB - , All Drawings/Plans 26Z007-CAM-XX-ZZ-DR-C-0103 - P2, All Drawings/Plans 26Z007-CAM-XX-ZZ-DR-C-0104 - P1, All Drawings/Plans 26Z007-CAM-XX-ZZ-DR-C-0105 - P2, All Drawings/Plans 26Z007-CAM-XX-ZZ-DR-C-0106 - P2, All Drawings/Plans 26Z007-CAM-XX-ZZ-DR-C-0107 - P2, Drainage 26Z007-CAM-XX-ZZ-DR-C-0115 - P03, All Drawings/Plans 26Z007-CAM-XX-ZZ-DR-C-0116 - P03, Site Plan 26Z007-FIR-00-ZZ-DR-L-XX-0002 - P04, Landscaping Plan 26Z007-FIR-00-ZZ-DR-L-XX-0003 - P05, Other 26Z007-FIR-00-ZZ-DR-L-XX-0005 - P07, Other 26Z007-FIR-00-ZZ-DR-L-XX-0006 - P05, Planting Plan 26Z007-FIR-00-ZZ-DR-L-XX-0007 - P05, Other 26Z007-MCP-00-XX-DR-E-9001 - P02, Lighting Plan / Information 26Z007-MCP-00-XX-DR-E-9002 - P02, Planting Plan 26Z007-MCP-00-XX-DR-N-9000 - P02, Site Plan 26Z007-RIO-00-XX-DR-A-90-0301 - P03, Other 26Z007-RIO-00-XX-DR-A-90-0304 - P03, Site Sections 26Z007-RIO-00-XX-DR-A-90-6000 - P03, Elevations - Proposed 26Z007-RIO-00-ZZ-DR-A-02-0050 - P03, Elevations - Proposed 26Z007-RIO-01-ZZ-DR-A-02-0101 - P04, Site Sections 26Z007-RIO-01-ZZ-DR-A-03-1301 - P03, Elevations - Proposed 26Z007-RIO-02-ZZ-DR-A-02-0201 - P04, Elevations - Proposed 26Z007-RIO-02-ZZ-DR-A-02-0202 - P04, Elevations - Proposed 26Z007-RIO-02-ZZ-DR-A-02-0203 - P04, Elevations - Proposed 26Z007-RIO-02-ZZ-DR-A-02-0204 - P04, Elevations - Proposed 26Z007-RIO-02-ZZ-DR-A-02-0205 - P04, Elevations - Proposed 26Z007-RIO-02-ZZ-DR-A-02-0206 - P04, Floor Plans - Proposed 26Z007-RIO-ZZ-00-DR-A-01-0100 - P07, Floor Plans - Proposed 26Z007-RIO-ZZ-01-DR-A-01-0101 - P07, Floor Plans - Proposed 26Z007-RIO-ZZ-02-DR-A-01-0102 - P07, Floor Plans - Proposed 26Z007-RIO-ZZ-B1-DR-A-01-0099 - P08, Proposed Roof Plan 26Z007-RIO-ZZ-RF-DR-A-01-0103 - P07, Elevations - Proposed 26Z007-RIO-ZZ-ZZ-DR-A-02-0001 - P03, Other CB2252 XX ZZ DR C 0101 - P2, Other CB2252 XX ZZ DR C 0102 - P6, Other CB2252-CAM-XX-ZZ-DE-C-0121 - P1, Other CB2252-CAM-XX-ZZ-DR-C 0155 - P1, Other CB2252-CAM-XX-ZZ-DR-C 0156 - P2, Drainage CB2252-CAM-XX-ZZ-DR-C-1111 - P1, Drainage CB2252-CAM-XX-ZZ-DR-C-1112 - P1, Drainage CB2252-CAM-XX-ZZ-DR-C-1113 - P3, Drainage CB2252-CAM-XX-ZZ-GA-C-0110 - P09, All Drawings/Plans EDP7210_D001A & EDP7210_D002A - , All Drawings/Plans EDP7210_D003A - , Landscaping Plan 26Z007-FIR-00-ZZ-DR-L-XX-0001 - P04, Location Plan 26Z007-RIO-00-XX-DR-A-90-0300 - P03, Other CONSTRUCTION TRAFFIC AND PHASE PLANS - , Other DEMOLITION RAMS - , Other WASTE MANAGEMENT PLAN - , Other Tree Constraints Plan - , Other BREEAM TRAVEL PLAN - , Drainage DRAINAGE STRATEGY - , Other ENERGY STRATEGY STATEMENT - , Other LANDSCAPE AND VISUAL APPRAISAL - , Other BASELINE NOISE SURVEY REPORT - , Other Environmental Colour Appraisal - , Other Environmental Colour Appraisal - , Other PHOSHATE ASSESSMENT - , Other ECOLOGICAL

APPRAISAL REPORT PT1 - , Other ECOLOGICAL APPRAISAL REPORT PT2 - , Other ECOLOGICAL APPRAISAL REPORT PT3 - , Archaeological Report ARCHAEOLOGY AND HERITAGE ASSESSMENTedp7210_r002-A-Written Scheme of Investigation - , Transport Assessment PART 1 - , Transport Assessment PART 2 - , Transport Assessment PART 3 - , Transport Assessment Addendum - , Lighting Plan / Information 26Z007-MCP-00-XX-DR-E-9000-AOH - , Lighting Plan / Information 26Z007-MCP-V1-00-DR-E-9002-AOH - , Tree Survey Oak Tree Report - , Other CB2252-CAM-XX-ZZ-DE-C-1131 - P01, Other CB2252-CAM-XX-ZZ-DR-C-0160 - P01, Other CB2252-CAM-XX-ZZ-DR-C-0161 - P01, Other CB2252-CAM-XX-ZZ-DR-C-0161 - P02, Planting Plan 26Z007-FIR-00-ZZ-SH-L-0001 - Rev P02, Planting Plan 26Z007-FIR-00-ZZ-SH-L-0002 - Rev P03, Planting Plan 26Z007-FIR-00-ZZ-SH-L-0003 - Rev P02, Planting Plan 26Z007-FIR-00-ZZ-SH-L-0004 - , Landscape Planting Plan 26Z007-FIR-00-ZZ-SH-L-0Q30 - , Landscape Planting Plan 26Z007-FIR-00-ZZ-SP-L-0Q31 - , Landscape Planting Plan 26Z007-FIR-00-ZZ-SP-L-0Q35 - , Other 26Z007-FIR-00-ZZ-SP-L-9000 - Rev B, Planting Plan 26Z007-FIR-00-ZZ-DR-L-XX-5001 - Rev P04, Planting Plan 26Z007-FIR-00-ZZ-DR-L-XX-5002 - Rev P04, Planting Plan 26Z007-FIR-00-ZZ-DR-L-XX-5003 - Rev P03, Planting Plan 26Z007-FIR-00-ZZ-DR-L-XX-5004 - Rev P03, Planting Plan 26Z007-FIR-00-ZZ-DR-L-XX-5005 - Rev P04, Planting Plan 26Z007-FIR-00-ZZ-DR-L-XX-5006 - Rev P04, Other Fira LVIA Response - Rev C, Other Artificial Wildlife Feature Plan - , Location Plan Location of Wildlife Features Plan - , GI Assett & Opportunity Green Infrastructure Management Figure 1: Baseline GI Assett Plan - , GI Assett & Opportunity Green Infrastructure Management Figure 2: Post Development GI Assett Plan - , GI Assett & Opportunity Green Infrastructure Management Figure 3: Ecological Constraints- _ Opportunities Plan - , Other Construction Traffic Management Plan - , Other 26Z007-MCP-V1-00-DR-E-9005-A1 - , Other 26Z007-MVP-00-XX-DR-N-9001 A0(1) - , Other CB2252-CAM-XX-ZZ-DR-C-0164 - P01, Site Sections 26Z007-RIO-00-XX-DR-A-90-6000 - P03,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 14.02.2022

This application is presented to Planning Committee due to Monmouthshire County Council being the applicant

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a 10.8 hectare site approximately 500m to the north of Abergavenny town centre, between Old Hereford Road to the east and Pen Y Pound Road to the west. The site is currently occupied by the existing King Henry VIII Comprehensive School; Abergavenny Leisure Centre; and playing fields/formal public open space associated with both uses. A bungalow, formerly the caretaker's bungalow associated with the school, is located to the east of the site and is now used by social services as a children's contact centre. The existing Leisure Centre does not form part of the proposed works and will need to be accommodated within the designs of the new masterplan for the site.

The existing school buildings are positioned within the north-eastern portion of the site, with playing fields occupying the western and southern parts of the site.

The site currently benefits from two vehicular access points. The site can be accessed to the east from Old Hereford Road or from the west by Pen Y Pound Road. At present, the site operates by means of a one-way system for general traffic (entering the site from Old Hereford Road and exiting through the site via Pen-Y-Pound), and a two-way system for school buses.

The existing school will need to remain open and functional during the construction of the new school. This will therefore influence the location and design of the new school. The existing Energy Centre is to be retained on-site but will be relocated in a new plant room.

The site slopes from north to south with a fall of approximately 15m. There are a number of existing tree groups within the site which will be retained and protected as part of the new development together with a single mature oak. There is also an existing stream, partly culverted, which runs north to south through the site. This culverted part of the stream will need to be redirected as part of the new proposals.

The site does not contain any Public Rights of Way and is outside of the Abergavenny Conservation Area. It is also not included in any flood plain. It is however, within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Value Added

As requested in comments by the Council's Landscape Officer, further details of planting and management of landscaping within the site was submitted:

- Green Infrastructure Management Plan Rev 1 – Abergavenny 3-19 Campus LP2245 by Fira Landscape Limited, dated April 2022.
- Artificial Wildlife Feature Plan added – Abergavenny 3-19 School, by BSG Ecology, dated April 2022.
- Additional information in relation to the retention and protection of the veteran Oak Tree provided – May 2022.

Further to the Highway Authority's comments the following additional information was submitted:

- Amended access details for Old Hereford Road (Parent Drop Off/Pick Up, Visitors and Leisure) reflecting the highway authorities' recommendations to improve the means of access.
- Amended access details for Pen Y Pound (Staff Parking & School Bus Services) to address the highway authority's requirements to improve the change of use of the means of access onto Pen-Y-Pound.
- Transport Assessment addendum to address the highway authority request for additional analysis and review of the Pen-Y-Pound/Old Hereford Road/Avenue Road & A40/Pen-Y-Pound junctions.
- Construction Traffic Management Plan.

1.3 Proposal Description

It is proposed to demolish the existing structures and build a new 1900 pupil school for ages 3-19 including internal and external curriculum, sports and recreational facilities. The proposed new school comprises of two separate buildings, the three-storey Lower School for pupils up to year 4, and the three-storey Upper School for pupils from years 5-13. Both schools will sit within a single secure perimeter and will share common entrances into the secure site as well as sports facilities, but will benefit from their own distinct external recreational spaces. It is intended to be built whilst the existing school is operational. The proposed new school buildings and facilities are located on the site such to avoid conflict with the existing school.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2021/01924	On behalf of the Applicant, Monmouthshire County Council (Education) and the Welsh Government, Asbri Planning write to formally request a Screening Opinion, as to whether Environmental Impact Assessment (EIA) is required for the proposed redevelopment of the existing King Henry VIII Secondary School site.	Not EIA dev't	23.12.2021
DC/2005/00152	Installation Of A New Disabled Platform Lift	Approved	21.04.2005
DC/1976/00714	Alterations To School Bldgs	Permitted Development	20.07.1976
DC/2010/00284	Provision of 4 No. access/fire escape lifts, ramps and double mobile classroom, to assist disabled users from September 2010	Approved	18.05.2010
DC/2003/00581	New Floodlit Multi-use Games Area Within School Grounds.	Approved	10.09.2003

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
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

CRF1 LDP Retention of Existing Community Facilities
CRF3 LDP Safeguarding Existing Recreational Facilities and Public Open Space
SD2 LDP Sustainable Construction and Energy Efficiency
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
DES1 LDP General Design Considerations
DES2 LDP Areas of Amenity Importance

Supplementary Planning Guidance

Green Infrastructure Supplementary Planning Guidance- April 2015

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

Technical Advice Notes

TAN 5: Nature Conservation and Planning (September 2009)

TAN 11: Noise (October 1997)

TAN 12: Design (March 2016)

TAN 15: Development and Flood Risk (July 2004)

TAN 16: Sport, Recreation and Open Space (January 2009)

TAN 18: Transport (March 2007)

TAN 24: The Historic Environment (May 2017)

Welsh Government Circulars

Welsh Government Circular 008/2018 - Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants

<https://gov.wales/sites/default/files/publications/2019-05/planning-requirements-for-privatesewerage-in-new-development-wgc-0082018.pdf>

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - Abergavenny Town Council do not fundamentally object to this planning proposal, we offer no opinion on the educational advantages of creating a single 3-19 school.

- No time to fully consider PAC and inadequate responses in PAC report.

- Councillors were unimpressed with the overall design of the school, describing it as unimaginative and uninspiring as a centre of learning for the 21st Century.
- The three principles laid out in the DAS; that the building is to be welcoming and inviting, the building design should consider the well-being of both staff and pupils and maximise the use of natural daylighting have not been met
- The Design Council for Wales should have been approached for advice on the merits of the proposed design.
- Design of entrances being inadequate and unwelcoming.
- Councillors commented on the 21st Century school principle of community inclusion and felt that this had not been addressed fully in the proposed design.
- We welcome the Green Infrastructure proposals but are concerned at the loss of sports fields. We note the loss of a 400m running track, reduced to a 100m sprint track and long jump pit, and see this as a loss to the well being of children and adults in the community as there are no athletics facilities in Abergavenny.
- We are puzzled at the retention of cricket nets in the plans with no provision of a cricket pitch.
- Councillors have strong reservations concerning the plans for traffic management.
- We have questioned whether the traffic generation of the western car park might have been underestimated.
- Councillors would have welcomed a full assessment of the active travel routes and the provision of cycle routes.
- Councillors challenged the proposed Net Zero aspirations for this development as being under ambitious for such an important development and would welcome detailed proposals for decarbonisation strategies.

Natural Resources Wales (NRW) – No objections. Thank you for consulting us on the Habitats Regulations Assessment Record in relation to the above planning application. We note the approach to cap/match pupil numbers to achieve phosphorus neutrality.

We consider that if a development can be shown to serve a local population that has already been accounted for in terms of wastewater discharge within a SAC catchment, then it is reasonable to conclude there is unlikely to be additional nutrient discharges from the development site. This is sometimes referred to as additionality, which seeks to avoid ‘double counting’ of nutrient discharges.

It is for the competent authority to apply this approach if considered appropriate. You must be satisfied, based on the application details, that any impacts from the proposal would not undermine the ability for the SAC to meet its conservation objectives.

In view of the above, having reviewed the Appropriate Assessment (AA) and its conclusions, we are satisfied you can conclude no adverse effect on site integrity of the River Usk SAC subject to the recommended conditions set out at section 5.2.4 being secured to the planning permission.

WG Highways - The Welsh Government does not object and highlights that on-going discussions are taking place with Monmouthshire regarding upgrade of the controlled crossing of the A40 adjacent to Pen Y Pound Lane in line with bus stop proposals.

Glamorgan Gwent Archaeological Trust (GGAT) - We previously commented on this application in our letter dated 9th March 2022, when we recommended a condition requiring the submission and implementation of a programme of archaeological work detailed in an agreed Written Scheme of Investigation. Whilst we note the application is yet to be determined, a Written Scheme of Investigation for Archaeological Works (EDP Report edp7210_r002a, dated May 22) has been submitted. We can confirm the scheme is appropriate. However we note the requirement for the specialist Archaeological Contractor to agree and submit a Method Statement. Following the agreement of the Method Statement, the requisite watching brief can be conducted during the construction phase, followed by suitable reporting and archiving.

Previous comments: Archaeological mitigation will be required. We envisage that this programme of work would take the form of a targeted watching brief during the groundworks required for the development, focussing on works outside of the existing structures, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded. It should also include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

MCC Planning Policy - No objections. The proposal is to improve education facilities within the community of Abergavenny as part of the 21st Century School projects - a long-term investment programme supported by the Welsh Government with the aim to create educational facilities fit for the 21st Century. The principle of the proposal by enhancing/improving an existing school facility is fully supported under National Planning Policy in PPW 11 and Strategic Policy S5 of the adopted Local Development Plan (LDP) which supports developments that enhance community facilities and contribute to the resilience of communities and health, well-being and amenity of local populations.

Despite the presumption in favour for the principle of the redevelopment, the proposal however will need to meet all other material planning considerations and the proposal should not harm the natural and built environment nor the design and surrounding character qualities of its location. In light of the climate change emergency the desire to future proof buildings as 'zero carbon ready' is also pertinent.

MCC Highways - No objection. Generally, the existing school operates reasonably well from a transport and access perspective utilising a shared means of access with the Leisure Centre. Access to the site is via a one-way access directly off Old Hereford egressing the site on Pen Y Pound. The site currently accommodates circa 159 parking spaces of which 70 are set aside for the use of the Leisure Centre and 89 for staff and visitors to the school. The site currently has no defined parent-pupil vehicular drop off provision. The site currently accommodates parking for around 11 home to school transport providers, 3 coaches and 8 or so minibuses. The site has reasonable walking and cycling provision with access to the North and East of the site via a signal-controlled crossing facility on Old Hereford Road and access to the South via Pen Y Pound that is accessed via a signal-controlled crossing facility at the junction of Pen Y Pound / Old Hereford Road / Avenue Road. Footway provision on Old Hereford Road is good providing access to residential area to the north, west and the town centre to the south, the existing footway on Pen Y Pound is not considered the most robust and generally below current active travel design standards although providing access to the residential network of footways to the South and East of the school. The site is located within walking and cycling distance for many of the residential areas of the town and town centre.

Following consultation comments provided on the 21/03/2022 the highway authority notes that additional details and supporting information have been submitted and has been uploaded to the planning website on the 05/05/2022. The highway authority welcomes the additional information and offers the following.

The highway authority welcomes the additional information and offers the following. Old Hereford Road – Parent Drop Off/Pick Up, Visitors and Leisure. The highway authority has reviewed the details submitted Drawing No. CB2252 XX ZZ DR C, S278 LAYOUT OLD HEREFORD RD JUNCTION and the amendments indicated reflect the highway authority recommendations to improve the means of access.

The provision of two Toucan controlled crossings and internal / external pedestrian and cycling links providing walking and cycling linkages in both a northerly and southerly direction on Hereford Road reflecting the highway authority's recommendation to encourage and promote walking and cycling to the school and other facilities.

Pen Y Pound – Staff Parking & School Bus Services The highway authority has reviewed the details submitted Drawing No. CB2252 XX ZZ DR C 01 S278 LAYOUT PEN-Y-POUND JUNCTION the details indicated address the highway authority's requirements to improve the change of use of the means of access onto Pen-Y-Pound and welcome the re-location of the pedestrian access via the west to east segregated active travel route reducing the likely conflict between vehicles and pedestrians /cyclists through the junction.

Traffic Distribution / Traffic Impact The highway authority welcomes the transport assessment addendum to address the highway authority's request for additional analysis and review of the Pen-Y-Pound/Old Hereford Road/Avenue Road & A40/Pen-Y-Pound junctions.

The highway authority has reviewed the assessment and acknowledges that the impact on of the development at the specific junctions is marginal and is not considered to be detrimental to the overall capacity and safety of the junctions and immediate network. Construction Traffic Management Plan The highway authority has reviewed the Construction Traffic Management Plan dated 28/04/2022 in conjunction with the Construction Traffic and Phase Plans. The management plan to control the access and egress and the interface with the construction traffic and day to day users of the adjacent highway network is welcomed. The highway authority also acknowledges the appointment of a Traffic Management Co-Ordinator and the constant review and updating during the construction of the school. The highway authority offers no objection to the proposal, the proposal is not considered to be detrimental to the safety and capacity of the immediate local network and does not conflict with local and national transport standards and the means of access, particularly the Old Hereford junction provides substantial improvements that promote and encourage walking and cycling.

Previous comments:

The highway authority has reviewed the application and the supporting information, reports and drawings submitted in support of the application in particular the Transport Assessment 26Z007AST-XX-XX-RP-Z-00-001 January 2022, the highway generally concurs with the proposals and the conclusion of the transport assessment but would offer the following observations and recommendations.

Site Accessibility:

The highway authority generally agrees with the review of sustainable transport provision as detailed in section 4 of the Transport Assessment 26Z007-AST-XX-XX-RP-Z-00-001 January 2022. The school is well located in Abergavenny and within reasonable walking and cycling distance to the residential areas of the town. The school is also well-located providing good public transport with bus stops being well-located providing access to the local area and further afield to areas such as Cardiff & Hereford. The provision of and west to east segregated active travel route as detailed on the submitted drawings is welcomed and will greatly improve the cycling and pedestrian links following the alteration to the means of access's and removal of the vehicular through route. The Council are actively promoting an extension of this link to the west at Pen Y Pound where it is hoped that a segregated active travel link can be provided from the school in a southerly direction to Old Hereford Road and the signal-controlled pedestrian crossing at the junction of Old Hereford Road/ Avenue Road/Pen Y Pound. It is also recommended that the signal-controlled crossing provision at the Old Hereford Road access is improved to provide signal-controlled crossings to both the north and south sides of the entrance with defined links from the school providing direct routes to the north and south on Old Hereford Road.

Means of Access:

The school operates with a one-way vehicular access system for general traffic, westbound in from Old Hereford Road and westbound out to Pen Y Pound. The school Bus service use the Pen Y Pound access in a two-way manner. The highway authority acknowledges that the current access route through the site is not practical and agree that the creation of two dedicated access points promotes dedicated safe access and traffic distribution.

Old Hereford Road - Parent Drop Off/Pick Up, Visitors and Leisure:

The application proposes the widening of the existing access to create two traffic providing access to the early start nursery, lower (primary) school, parent drop off/pickup, visitors, and leisure

centre. The highway authority recommend that the applicant considers the following to both enhance road safety by way of improving junction visibility, forward visibility on Old Hereford Road and pedestrian safety and connectivity as detailed earlier, the improvements recommended are:

- o The proposed junction shall be re-positioned by the narrowing of Old Herford Road thereby improving visibility and reducing the width of the road and the pedestrian crossings
- o The upgrading of the northern crossing by the introduction of a signal-controlled Toucan crossing.
- o The introduction of a signal-controlled Toucan crossing to the south of the junction.
- o The introduction of internal active travel links providing direct access to the crossing facilities.

Pen Y Pound - Staff Parking & School Bus Services:

The highway authority agree with the re-location of all staff car parking and school bus provision to the west of the site, the access and egress from this area of the school is proposed to be managed by the school by way of the introduction of a controlled barrier system that will be used to manage and control traffic movements to and from the site at peak times, thereby reducing the impact on the immediate local highway network, Pen Y Pound, Avenue Road and Old Hereford Road.

Traffic Distribution / Traffic Impact:

The traffic distribution and capacity assessment as detailed at section 8 of the Transport assessment is considered appropriate and the highway agree with the conclusions and mitigation subject to a response from the Welsh Government regarding the impact of the proposal on the A40, a trunk road that falls under their remit and control. The highway authority notes that three junctions have been identified that experience a degree of congestion and would offer the following comments and recommendations:

Old Hereford Road Access:

The highway authority agree that the junction can operate as an all-movement junction subject to the highway authorities recommended improvements as previously detailed (Means of Access) Pen Y Pound/Old Hereford Road/Avenue Road.

The existence of on street parking on Pen Y Pound is acknowledged as having a detrimental impact on the operational capacity of the junction particularly in the pm peak. The highway authority acknowledge that the proposed school traffic flows are significantly different than existing as the site no longer operates as a through route for all traffic, the proposed traffic volumes and the management thereof can be better managed. The highway authority has considered the suggested mitigation and control measures as detailed in sections 8.17.3 - 8.17.9 and would recommend:

The introduction of a single yellow time limited waiting traffic order on Pen Y Pound as opposed to a double yellow no waiting traffic order is considered a more appropriate mitigation.

The potential introduction of additional detector loops in Pen Y Pound to provide more capacity for traffic on Pen Y Pound to exit onto Old Hereford Road. The highway authority recommends further analysis to determine whether viable and not detrimental to the Pen Y Pound A40 junction capacity.

The development and introduction of a school traffic management plan that encompasses sections 8.17.7 - 8.17.9 and the introduction of controlled barrier system as detailed in section 5.2.5 to control and manage the departure of vehicles from the site.

A40/Pen Y Pound:

The highway authority acknowledges that the transport assessment has determined that the proposed school would have a marginal impact on the capacity of the junction and appreciate that the Welsh Government will be providing their own response regarding the impact the proposed school would have on this junction. Additionally, however, the highway authority would request that the applicant also considers the impact of the highway authorities' plans to provide an east bound bus stop on the A40 and relocate the signal-controlled pedestrian crossing. The highway authority and Welsh Government will arrange to make the plans available to the applicant

Internal Layout:

The highway authority offers no objection to the proposed internal layout and emphasises that the management of the site rests with the school and as mentioned throughout the submission and

the highway authority's response the school should develop a robust management plan to manage the access and egress arrangements for all modes of transport within the grounds of the school.

Car Parking and Home to School Transport Parking:

The application proposes the following car parking spaces.

Western Section - School Staff 187 & Home to School Bus Drop Off & Pick Up

Eastern Section - School Drop Off/Pick Up & Visitor 56

Leisure Centre 126

Total 182

Sub-Totals

School 243

Leisure Centre 126

Total: 369

The highway authority is comfortable that the level of parking accommodates the operational requirements for both the school and leisure centre. The highway authority acknowledge that currently 40% of pupils travel on foot and a further 40% travel by bus with only 20% of pupils travelling by car and that Deri View that will be transferring to the site is only approximately 500 metres away; it is expected that most pupils attending the school will arrive on foot with only a slight increase in the use of the car which can be readily accommodated at the Drop off/Pick Up area to the east of the site.

The segregation of an independent means of access for the school staff parking and school bus drop off/pick up is welcome, minimising the vehicular impact on Pen Y Pound and reduces the internal conflict of school bus transport and staff vehicles with those vehicles associated with parental pick up and drop off, visitors and the leisure centre.

Construction Traffic Management:

It is considered essential that a construction traffic management plan is submitted in support of the application that can be reviewed and approved prior to any planning approval. The redevelopment of the school is a major construction project that will have a significant impact on the immediate local network and the applicant will have to develop a plan that addresses the concerns of the highway authority in maintaining the safety of highway users as well as minimising disruption and congestion on the immediate highway network. The applicant should also consider the creation of traffic management group to manage and oversee the impact of the proposed development.

Off Site Improvements / Mitigation:

Generally, the highway authority would require that the developer / landowner enters into formal agreements under the Highways Act with the highway authority to carry out identified mitigation and highway improvements on the public highway. In this instance the applicant/landowner is Monmouthshire County Council, and such agreements cannot be entered into with oneself, it will therefore be necessary for the required improvements to be formally submitted and approved for consideration during the planning process and thereafter delivered in accordance with the highway authority requirements.

Highway Authority's Recommendations/Requirements:

Generally, the highway authority offers no objection to the proposal, the highway authority considers that subject to the recommendations and additional requirement as detailed in the response that the proposal is not considered to be detrimental to the safety and capacity of the immediate local network and does not conflict with local and national transport standards.

To recap the highway authority recommends and requires the following to be submitted for further consideration. The highway authority has informed the applicant's project team and held discussions with them and highlighted the highway authority's requirements as detailed in our formal response:

- Old Hereford Road - Parent Drop Off/Pick Up, Visitors and Leisure - The applicant shall submit a full suite of detailed design drawings including a stage 1/ safety audit for the amendment of the access to include the following

- The proposed junction shall be re-positioned by the narrowing of Old Hereford Road thereby improving visibility and reducing the width of the road and the pedestrian crossings.
- The upgrading of the northern crossing by the introduction of a signal-controlled Toucan crossing.
- The introduction of a signal-controlled Toucan crossing to the south of the junction.
- The introduction of internal active travel links providing direct access to the crossing facilities.
- Pen Y Pound - Staff Parking & School Bus Services - The applicant shall submit a full suite of detailed design drawings including a stage 1/ safety audit for the amendment of the access onto Pen Y Pound
- Pen Y Pound/Old Hereford Road/Avenue Road - potential introduction of additional detector loops in Pen Y Pound to provide more capacity for traffic on Pen Y Pound to exit onto Old Hereford Road. The highway authority recommends further analysis to determine whether viable and not detrimental to the Pen Y Pound A40 junction capacity
- A40/Pen Y Pound - The highway authority would request that the applicant also considers the impact of the highway authorities' plans to provide an eastbound bus stop on the A40 and re-locate the signal-controlled pedestrian crossing. The applicant shall provide an addendum to the TA.
- School Traffic Management Plan
- The development and introduction of a school traffic management plan that demonstrates how the school will manage and control the day-to-day use of the internal parking provision ensuring that access and egress is controlled and minimises disruption.
- A Construction Traffic Management Plan (CTMP).

MCC Rights of Way - We have reviewed the above referenced planning application and there appear to be no recorded public rights of way within, adjacent to, or abutting the proposed development site. Therefore, there are no objections to the development at this stage.

MCC Lead Local Flood Authority - Aside from the small watercourse which runs through the site and some modelled surface water flooding caused by the existing buildings, the site is not in a location identified by NRW's flood maps as being at particular risk of flooding. Our own database of Land Drainage Investigations does not contain any entries of relevance to the development. As with any development on a hillside comprising soils of low permeability, design of buildings should take into account the possibility of shallow overland flows during periods of heavy rain. Design of buildings and their surrounds should allow such flows to pass around them rather than cause internal flooding.

It is likely that Ordinary Watercourse Consent will be required for works to the existing open watercourse and diversion of the upstream culverted section of watercourse.

MCC SAB - The site will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government's Standards. The applicant has already obtained pre-application advice from the SAB and we are generally content with the proposed surface water drainage scheme. It is likely that minor amendments will be required to achieve SAB approval. These will come to light as part of the SuDS approval process.

MCC Environmental Health - Should the Planning Authority consider it appropriate to grant planning approval prior to a contaminated land site investigation we would recommend that standard conditions (EH01 and EH03) be attached to ensure that the site is fully investigated and, if necessary, remediated to ensure the protection of public health.

If the development will have more than 1,000 m² of floor space or a site area greater than 1ha and create 10 or more parking spaces and/or a centralised energy facility or other centralised combustion process, an Air Quality Impact Assessment would be required if the development will have a change of LDV flows of more than 500 AADT, or a change of HDV of more 100 AADT. We would recommend that the cumulative impacts (for both air quality and traffic) from this development, along with any other large developments within the area are considered, including their impacts on local roads. Both construction phase and operational phase should be considered in the Air Quality Impact Assessment. Irrespective of whether an air quality

impact assessment is undertaken, and in addition to any specific issues or requirements that such an assessment might require, the development should be encouraged or required to adopt good design principals that reduce emissions and contribute to better air quality management.

MCC GI comments (incorporating comments on trees) – No objections subject to conditions.

The applicant has addressed the following points raised in the previous Landscape and GI response:-

1. The applicant has provided a baseline assessment of GI assets and opportunities and embedded within the GIMP including a comparison of post development overall GI improvements.
2. Within the GIMP the applicant has undertaken a broad pre and post development assessment as part of the GI analysis showing the proposed % increase in GI assets.
3. The applicant has provided a comprehensive GI management plan however the following areas need to be considered but can be conditioned if not provided prior to determination :-
 - a. There is no reference to the protection, management and long term aftercare prescriptions of the veteran oak tree or existing mature trees on site.
 - b. There is a change between the landscape and planting plans provided with the GIMP part site Fira 3001-3006 and those plans provided Fira 5001-5006. The plans 5001-5006 show :-
 - i. Provision of area above car park for PV panels. There is a proposed reduction in native species planting to the principal block of trees above the main car park with new planting concentrated in the western corner of the site. This does not enhance GI connectivity overall and needs to be revisited to ensure connectivity is improved as highlighted as a key GI theme in the GIMP
 - ii. There is no reference in the GIMP for management or mix of proposed grass areas under PV Panels and how this will be undertaken.
4. The applicant has considered succession planting within the proposals and aftercare as well as functional planting within the school setting.
5. The applicant has clarified the concerns related to glint and glare in connection with the LVIA
6. The applicant has provided a series of more detailed planting plans with schedules and aftercare prescriptions which are also included within the GIMP which is welcome plus an improvement with plan consistency.
7. Further clarity has been provided indicating points of access for aftercare of GI on Northern and Western boundaries, hedges and the description of the wildflower areas. It is suggested that trees such as oak, alder, beech and lime proposed on the western boundary are provided with adequate space to avoid impacting on highway and footway in the future.
8. It is noted that an alternative location near the car park has been indicated for new PV which is welcome.
9. The applicant has included fruit trees and pollinators within the planting schedules which are welcome

Trees

The applicant has responded in the Abergavenny 3-19 School:- Tree impact clarification document 27/05/2022 with regard to concerns raised by the councils tree and landscape and GI officers in connection to possible impacts on existing and proposed trees around the site including the veteran tree (T1)

T1 Oak, is a significant veteran tree currently surrounded by parking area. It is very likely that the root spread of this tree extends well beyond the nominal MINIMUM 15m root protection radius and concerns have been raised regarding the proposed layout which shows encroachment on all sides, including excavation works for new service runs and changes in levels. The applicant has updated plans for consistency which is welcome and appears to have clarified and addressed concerns. Opportunities to reduce impacts further during construction would be welcome

Summary

The proposed 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 may not from a landscape and GI perspective have a significant detrimental impact on the character and appearance of the wider valued landscape, Historic park and its setting and provisions of Planning Policy Wales (Edition 11) February 2021 and Policies S13, NE1 and LC5 of the Monmouthshire County Council Adopted Development Plan 2011-2021.

From a tree, landscape and GI perspective further clarification would be welcome with regard to:-

- GI planting to the north-western boundary plus any additional secure fencing proposed around PV area
- Updated GI management plan to include veteran tree management and areas of grassland beneath PV panels

Should the information not be provided prior to determination the information provision could be subject to a condition.

MCC Biodiversity - No objections subject to conditions.

We welcome the submission of the management plan, which includes precautionary measures to minimise impacts on biodiversity features within the site. The GIMP sets out suitable management schedules and responsibilities for the landscape contractor to undertake with regards to habitats and species that may be present on site. These include measures to maintain and enhance habitats including trees, woodland, hedgerows, shrubs, and grassland. These measures are deemed acceptable for the proposed development. The submitted planting plans and schedules for the development are deemed acceptable for the proposals. Precautionary working practices have been proposed with regard to protected and priority species including badger, nesting birds, bats, reptiles and amphibians, and hedgehog. The management plan includes maintenance measures to enhance habitats for these species to include removal of invasive species, monitoring of enhancement features and ecological surveys. The measures submitted are deemed suitable for the proposed development. Management and enhancement of the existing watercourse on site will also be undertaken in a sensitive manner to reduce impacts on wildlife that may be using the riparian corridor.

Bats: Emergence surveys confirmed the presence of soprano pipistrelle bats roosting in building B6 and a pipistrelle bat roosting within the veteran tree. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. Mitigation for loss of bat roosting opportunities will include the integration of bat boxes to the fabric of the new buildings, and provision of tree mounted boxes on existing trees where suitable.

The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. NRW have been consulted on this application and responded on 13 January 2022, stating the below:

"We 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. We note and welcome the recommendation at paragraph 5.3 of the survey report, which states: Further survey is recommended to fully assess all affected trees for their suitability to support roosting bats. This should involve an initial ground-level inspection survey undertaken during the winter (before trees come into leaf). If any trees that proposed to be felled (or that may be indirectly affected because of felling) contain features suitable to support roosting bats, then these will require further survey during the active season for bats and following current best practice guidance to determine use."

Biodiversity Net Gain: Ecological enhancement measures shall include new native planting of trees and shrubs throughout the site, as well as creation of wildflower grassland areas, as detailed in the GIMP. Additionally, the ecology report states that provision of artificial ecological enhancements will include:

- 6 integrated bat boxes within the fabric of the new building;
- 6 tree-mounted woodstone bat boxes;
- 4 integrated Manthorpe type swift boxes for swift and house sparrow.
- 2 reptile hibernacula to be created within the site
- A cluster of 3 wet scrapes to be created in the south-western part of the site.

These enhancement measures are considered to be acceptable and proportionate for the development, installation methodology and locations of the features are provided in Figures 1 and 2 of the 'Artificial Wildlife Feature Plan – Abergavenny 3-19 School, by BSG Ecology, dated April 2022' document.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Four representations received raising the following concerns:

Traffic

- * Pen y Pound is too narrow to allow large transport vehicles to pass each other in Pen y Pound near the junction with Avenue Road.
- * The footpaths, particularly on the west side of Pen Y Pound, are inadequate.
- * The junction at Pen y Pound/Avenue Road/old Hereford Road is "swamped" with traffic at the start and end of the school day.
- * Very strong possibility that Pen y Pound will be used by car owners carrying pupils to use Pen y Pound for transporting and dropping off children to and from school and using Pen y Pound Court to turn around. How will this be prevented?
- * The plans for the school will lead to a marked increase in traffic at school time. The Old Hereford Rd and Pen Y Pound already jammed at this time will become impassable leading to the creation of 'rat runs'.

Layout

- * The Lower school is surrounded by social areas of the upper school. No amount of screening will screen inappropriate language and conversations from the upper school, which young children shouldn't be exposed to.
- * The year 5 and 6 students are segregated from the rest of the school in 4 separate classes in the middle of the upper school. Concerns about the effect on wellbeing of this set up on the children who were separated, which would lead to the children feeling isolated, scared and cast adrift.

Residential Amenity

- * The position of the proposed school building is directly south
- * of 15 Wedgewood Gardens. The property is at a higher elevation than the school building and will be greatly affected as the rear garden and rear windows will be directly facing the proposed building.
- * Whilst we understand additional planting of trees has been proposed within the development we are concerned whether this alone is enough going forward.
- * Currently the new building will be somewhat screened by the trees and shrubbery in our garden. However, a significant proportion of this screening comprises of Ash trees. We are concerned whether the amount of additional trees within the development being planned will adequately replace the current mature trees if they need felling.

Environment.

- * The Council is aiming for carbon neutral but again should be aiming for carbon negative, the best possible environmental standard. This is a flagship building for the council therefore should be the most environmentally friendly building possible
- * The disruption caused during the construction period (and subsequently following completion of the building) will force current wildlife away from the existing open field site and action should be taken in accordance with the 'green infrastructure' philosophy to make the environment around our property suitable for any displaced wildlife.

Other

* Are adequate spaces being provided to cater for 10-15 years' time? The feeder schools are all very close to capacity at present and with so any new houses planned to be built has the building been future proofed?

5.3 Other Representations

Abergavenny & District Civic Society have provided the following observations:

- We agree that the benefits probably outweigh the environmental costs, especially if the educational advantages of the 3-19 vision in virtually a single building are accepted (on which we offer no opinion). The proposal takes the clearance of the existing school buildings for granted, where some might argue that upgrading and extensions would have been more sustainable, but we recognise that continuing to run a school during its extensive modernisation would be very difficult to manage.
- The present school is well-sited in the urban landscape, leaving an extensive green space to the west. The new building, artificial grass and fencing will greatly alter the appearance of that space. On the other hand, we recognise that the alternative might have been to provide the school and its sports facilities on a less central new site, leaving the present site vulnerable to housing development.
- The client's tight timetable has clearly not allowed the applicants to consider pre-app comments fully, leaving them for planning officers to consider when determining the application - undermining the purpose of pre-app community consultation.
- The Design Commission for Wales should be asked to review such an important proposal, though this should have been at an earlier stage.
- Virtual views from the approaches would have been useful.
- We are pleased that the Masterplan shows more tree planting and hope that the final landscape detailing plan will confirm that this is meaningful in GI terms.
- We regret that there will be no space for a running circuit, only a 100m track and a long-jump track, but that cricket nets have survived despite the absence of a pitch. Perhaps there is to be an arrangement with the nearby cricket club.
- We also note that the western car park will be within the security fence and that access will be controlled.
- Our overall impression of the new buildings is that they are acceptable in terms of a planning application, apart from some details, but they might be described as functional, with disparate elements and, disappointingly, having no special architectural quality.
- We note and accept the PAC response on traffic levels on the upper section of Pen y Pound. This focuses our attention on the need to get the design of the Old Hereford Road access right and our concern about the junction of Pen y Pound with the A40 remains, though we recognise that accidents appear to be (surprisingly) rare and that mitigation measures may be difficult. We note mention of upgrading the crossing to a toucan crossing but wonder if full traffic light control is necessary to ensure safe movement of both active travel traffic and the increased vehicular traffic accessing and leaving the site, as well as helping to enforce the 20 mph limit.
- We cannot accept that 'the high level of walking movement to/from the existing school provides for a reasonable level of provision.' This is not evidence that the provision is adequate or safe, only that it happens, and it refers only to walking - cycling is almost non-existent. Furthermore, younger children may be deterred from walking by conditions that are accepted by older pupils.
- Request that the name King Henry VIII is retained regardless of change in pupil ages.
- Abergavenny Transition Town (ATT) have provided the following observations:
 - Very poor PAC procedure.
 - Poor internal layout with no day light or views to the landscape from corridors. We would ask in the strongest terms possible that the active travel inadequacies so clearly being avoided myopically by only focussing within the site perimeter, should not be allowed to proceed unheeded, unplanned for and un-budgeted for.
 - On environmental building performance in the light of the Climate Emergency this project is not anywhere near the leading edge.

Abergavenny Cycle Group have provided the following observations:

1. While there is a shared use footway on one side of the Old Hereford Road, elsewhere there is a lack of dedicated space for cycling on routes leading to the school site.
2. Speeds on the roads around the school are high. The Transport Assessment notes that the 20mph zones on the roads adjacent to the school are widely ignored - 85% speeds are in excess of 30mph. Old Hereford Road in particular is wide and designed for speed. It takes a conscious decision for drivers to slow down to observe the 20mph speed limit. The evidence shows that too many drivers fail to slow down. The new 20mph limit for the whole town may improve this, but without any changes to the road itself, such as narrowing, or other calming measures, the fundamental design of the road will still encourage speeding.
3. The existing crossing point at the entrance to the school on Old Hereford Road is chaotic, crowded and has to be marshalled at the beginning and end of the school day to reduce the chance of collisions. The new school must do better here. It would be helpful if the likely directions of flow of walking and cycling pupils entering/leaving the 3-19 school could be mapped to assist prioritisation of on- and off-site improvements. Users of the active travel route should have priority over cars accessing the drop off facility where these two routes cross. This priority should be enforced through road markings as a minimum and preferably through a hard feature such as a table.
4. The footway on Pen y Pound - which will become one of the two main routes to the school is narrow (1m in places as acknowledged in para 2.3.5 of the Travel Plan). Motor traffic to and from the school will be higher on this road than at present, as the road will be the principal route to the school's main car park and bus drop-off point. We believe the volume of traffic will be too great for safe cycling. A path inside the school boundary, continuing via the football stadium car park and the MCC playing field to the traffic lights would remove this problem. We would like to see a new route made a condition for the granting of planning permission.
5. We welcome the new through route on the southern boundary of the site, subject to concerns about the crossing point on Old Hereford Road already referred to. The route must be funded as part of the school's capital budget as the present through route has become a de facto public route (the new route should be dedicated as a public right of way for cycling and walking).
6. Dangers are likely to arise from any conflict between construction traffic and learners walking and cycling to school; the improvements described above in points 4, and 5 above should be in place before construction starts.

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

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

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The proposal is to improve education facilities within the community of Abergavenny as part of the 21st Century School projects - a long-term investment programme supported by the Welsh Government with the aim to create educational facilities fit for the 21st Century. Therefore, the principle of the proposal that would enhance / improve an existing school facility is fully supported under National Planning Policy in PPW 11 and Policy S5 of the adopted Local Development Plan (LDP) which supports developments that enhance community facilities and contribute to the resilience of communities and health, well-being and amenity of local populations.

6.1.2 Part of the site is located within an Area of Amenity Importance as defined under Policy DES2 of the LDP. Development proposals on areas of amenity importance will only be permitted if there is no unacceptable adverse effect on any of the following:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;
- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;

- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features (policy NE1 applies).

6.1.3 Visually the area will remain largely open with the proposed sports pitches retaining this character. Whilst the school building moves more centrally within the site, it does not occupy the core of the amenity area. The proposed buildings, which are of a similar height to the existing, also generally sit lower down the slope than the existing buildings. Landscaping in the north-west corner of the site will be retained (and enhanced where appropriate). The proposal is not considered to have a detrimental impact towards the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure. This is because principally the area is retained as sport pitches and the relationship with the adjoining amenity area to the south is relatively unchanged. The proposal will provide enhanced sport facilities, particularly in terms of quality and variety of uses with the introduction of more all-weather surfaces, particularly across the wider site. It is the case that some existing trees within the site boundary will need to be removed as part of the proposed redevelopment, however, appropriate mitigation will be provided to compensate for this loss (including the planting of 263 native trees and 220 linear metres of native hedgerows).

6.1.4 Overall therefore, it is considered that the proposed development will not result in an unacceptable adverse effect on the amenity area and therefore complies with Policy DES2. Policy CRF1 of the LDP protects existing community facilities from change of or conversion to other uses. Given the nature of the proposal which provides a redevelopment of the existing school incorporating a primary element there is no loss of facility and overall the proposal will benefit the surrounding community with a modern school. The proposal does not result in the loss of the existing leisure centre and as such there is no loss of this facility. The proposal is therefore compliant with Policy CRF1.

6.1.5 Policy CRF3 of the LDP protects the loss of land and facilities with open space, recreational and allotment garden uses. The policy supports the redevelopment of such facilities where alternative provision of at least equivalent community benefit is made available in the locality by the developer on a site acceptable to the local planning authority. The existing school provides 69,385m² of open space (43,033 formal and 26,352 informal). The proposed scheme will provide 61,557m² of open space (43,770 formal and 17,787 informal). Whilst there is an overall loss in informal space for pupils to use there is an increase in formal sport pitch provision through the development of the 3G pitches, grass pitches and multi-use games area (MUGA). The proposal will provide a higher quality facility than the existing arrangement which provides mainly grass pitches. The 3G pitches are more versatile than grass pitches being less liable to waterlogging that would otherwise lead to events/ matches being postponed or the pitches' more general use being compromised. The minor loss in informal open space is therefore considered to be justified by providing better quality facilities than the existing.

6.2 Sustainability

6.2.1 Good Design

The existing site is currently run down in appearance and includes some poor quality structures which have a broadly negative influence on the surrounding landscape. The demolition of these buildings is therefore accepted.

The proposed new Lower School would sit lower in the site and be cut into an existing embankment; the Upper School would sit at a slightly higher level further to the north. This approach creates a cascading effect as the building forms step down the site from north to south. The stepping has created opportunities for roof terraces in the Lower School for secure external learn and play spaces.

The new main school entrance is located towards the east of the buildings, being designed to create a welcoming environment with views between the two buildings and through the site and the main school environment. The canopy provides shelter as well as a sense of arrival, and lighting in the soffit of this will illuminate the area outside of daylight hours.

A central 'Street' will link the main entrance to the east of the site with the entrance to the west, and will form the separation between the Upper and Lower Schools. This street will be the primary pedestrian thoroughfare through the site as well as provide spaces for external learn and play associated with the Lower School and recreation and external dining associated with the Upper School.

A limited palette of finishing materials for external walls is proposed as part of this application. The materials are intended to be employed on both the Upper and Lower School buildings to ensure a cohesive design, including buff brick, soft red brick, dark grey brick, dark grey aluminium cladding and mid or dark grey window frames.

The design of the proposed new building, although necessarily functional in appearance, will be a vast improvement on the existing school which has grown sporadically over time and does not have an obvious main entrance or legible layout, a characteristic that has now been addressed in the new school. The use of a single palette of materials across the site and cutting the building into the natural ground level will result in a form of development that will sit well within the wider landscape and would not adversely impact the character and appearance of the wider area. As such, the proposed development is considered to meet the requirements of LDP Policy DES1 which relates to good design.

Whilst it is appreciated that the development has not been appraised by the Design Commission for Wales (DCfW) as requested by the Town Council the architect who has designed the scheme does sit on the DCfW board. The proposed development is underpinned by specific design principles and the resultant scheme represents an educational facility that is of a high standard of design and harmonise with the surrounding context enhancing the visual appearance of the area.

6.2.2 Place Making

Placemaking considers the context, function and relationships between a development site and its wider surroundings. As stated above, visually the area will remain largely open with the proposed sports pitches retaining this character. Whilst the school building moves more centrally within the site, it does not occupy the core of the designated DES2 amenity area. The proposed buildings, which are of a similar height to the existing, also generally sit lower down the slope than the existing buildings. Landscaping in the north-west corner of the site will be retained (and enhanced where appropriate). As such, the proposal is not considered to have a detrimental impact upon the relationship of the site to adjacent or linked areas of green infrastructure and the wider area beyond. The overall scheme will present a considerable visual improvement to the wider character of the area, be a more cohesive design with better functioning spaces than the present arrangement and will provide a good sense of place to users of the site. This will also be the case in respect of the wider appreciation of the site and its surroundings from key views and vantage points in and close to the town. In accordance with the requirements of Planning Policy Wales ed11 the proposed development considers the context and functionality of the development within its surrounding and the school building and the site has been designed to ensure that it harmonises and enhances the area.

6.2.3 Green Infrastructure (GI)

The proposals include the creation of areas of open space across the site including hard and soft informal social and play areas, multi-use games area, forest school areas for both lower and upper phases, and sports pitch provision (including all weather pitches). In addition, the proposals include a comprehensive landscaping scheme, including retention of Green Infrastructure and additional tree planting and biodiversity enhancement; and the implementation of a SuDS compliant drainage strategy. The applicant has provided a baseline assessment of GI assets and opportunities and

embedded within the Green Infrastructure Management Plan (GIMP) including a comparison of post development overall GI improvements. Within the GIMP the applicant has undertaken a broad pre and post development assessment as part of the GI analysis showing the proposed percentage increase in GI assets.

Where trees are affected, appropriate mitigation measures will be incorporated and will be included in the landscape / ecology / GI management plan. It is noted that the submission has also included a Tree Retention/Removal Plan, Plan of retained trees and their root protection areas (RPAs) and an Arboricultural Impact Assessment which is welcomed.

Of note is a veteran Oak Tree (labelled as T1 in the Tree Survey submitted with the application). This tree is of high biodiversity and amenity value and it was therefore considered to be important that this tree was retained as part of the scheme. The oak tree is currently located within a tarmac car park area and within a circular raised mound with surrounding kerb stones at 3 metres radius around the tree. Located within this mound is compacted soil with areas of exposed roots, some of which have a damaged surface from foot fall. A tree protection plan (TPP) has been provided to illustrate the proposed development design around the tree and methods required to ensure the protection of the tree during construction work. As it is a veteran tree, any changes in surrounding ground condition need to be managed to ensure this is minimal. The 15m Root Protection Area (RPA) as shown on the TPP is currently surrounded by mostly non-porous tarmac (88% of total RPA). Therefore, this gives an opportunity within the construction of the design to improve this rooting area. The proposed design offers an area of 720m² where existing tarmac can be removed, and underlying ground conditions be improved (amelioration of soil) for the benefit of the future health of the tree. The construction of the proposed courtyard area will then be created using a no dig cellular confinement system with a permeable surface finish. This approach will provide a betterment to the rooting environment around this tree and likely ensure that it can be successfully and safely incorporated into the design. It is also worth noting that radar surveys in the vicinity of the tree have verified the likelihood of reduced roots to the east, where the greatest proposed encroachment into the RPA occurs. This most likely occurred during the installation of an existing drain which is to be abandoned as part of this project. A proposed retaining wall is placed where it is, to maintain fire tender access to meet Building Regulations. However to reduce any impact on the tree proposed services would be situated outside the 15m RPA.

The Council's Landscape Officer stated in their response that opportunities to reduce impacts further during construction would be welcomed and it is therefore suggested that an Arboricultural Method Statement detailing construction works around the oak tree should be submitted and approved prior to any works within a 15m radius of the tree in accordance with the British Standard 5837:2012 . The proposed design retains the veteran tree in the overall scheme and the construction method statement would seek to ensure that the development process does not have an adverse impact on this veteran tree. Overall the proposed development seeks to enhance green infrastructure assets within the site by protecting and preserving as many of the trees as possible and the planting of 263 native trees, the planting of 220 linear metres of native hedgerows, the provision of sustainable drainage, with appropriately seeded swales to allow establishment of a diverse flora and the seeding of 6,039 sq. metres wildflower grass mixtures and implementation of a low intensity cutting regime where disturbance footfall will be lowest.

From a GI perspective, subject to compliance with the aforementioned plans and reports, the proposed redevelopment of the existing King Henry VIII Secondary School site and all associated works will not have a significant detrimental impact on the character and appearance of the wider valued landscape, Historic park and its setting or the provisions of Planning Policy Wales (Edition 11) and policies S13,G11, NE1 and LC5 of the LDP.

6.2.4 Energy

Welsh Government PPW11 recognises an energy hierarchy. The Welsh Government expects all new development to mitigate the causes of climate change in accordance with the energy

hierarchy for planning. Reducing energy demand and increasing energy efficiency, through the location and design of new development, will assist in meeting energy demand with renewable and low carbon sources.

Policy SD3 of the LDP provides that Proposals for low carbon design solutions in new buildings will be permitted in accordance with the energy hierarchy of reducing energy demand through passive design, promoting energy efficiency through use of appropriate building fabric and inclusion of renewable or low carbon energy generation technologies. All new development proposals will be required to incorporate efficient resource use during construction, operation and maintenance.

The proposed Abergavenny 3-19 School has been designed as a Net Zero Carbon (NZC) Operational Energy School i.e. all energy used during the operation of the building will be offset by on-site renewable energy technology, such as PV arrays and Air Source Heat Pumps. To achieve this in practice there is a focus on reducing energy demand associated with space heating through enhanced building fabric performance, and optimisation of glazing design and orientation which has been incorporated into the design of the proposed new school. Although higher energy efficiency such as 'Passivhaus' standards as suggested by third parties would be welcome the proposals would result in the development meeting the Welsh Government strategy for public sector buildings being carbon neutral by 2030. The Net Zero Carbon development will be a significant enhancement on the sustainability of the existing structures and meets the requirements of both national and local policy.

6.3 Landscape

6.3.1 In considering the impact of the development on the character and appearance of the surrounding area it is important review the existing context. A Landscape and Visual Appraisal has been prepared by the applicant's consultants and includes an Environmental Colour Assessment as an appendix.

6.3.2 The existing site character is formed by the existing secondary school comprising a collection of buildings and sports pitches, along with car parking areas and a leisure centre. The buildings are generally considered of little architectural merit and do not form a particular function within this townscape. There are some attractive mature trees on the site itself, and some tree groups which make a positive contribution to the surrounding townscape character, although none of these are covered by a Tree Preservation Order (TPO). The ground which forms the site is sloping as it lies on the northern hillsides of the town, however, it has been terraced in the past to allow the construction of buildings and sports pitches so that little of its original landform is perceptible.

6.3.3 Whilst it is conceded that during construction and demolition there would be some disruption to the views of visual receptors and landscape character, the construction period would be temporary and short term in nature. After which time, given the existing views towards the Site, character and components of the existing Site, and its location within the town, effects are considered relatively modest, with no effects greater than minor anticipated. In some cases, effects have been considered beneficial in nature, as a result of the removal of the existing unattractive school buildings and the introduction of the colour strategy and new green infrastructure.

6.3.4 The proposal is therefore considered to be compliant with national planning policy including Future Wales and PPW11 alongside local planning policies DES1 (General Design Considerations), LC5 (Protection and Enhancement of Landscape Character), S13 (Landscape, Green Infrastructure and the Natural Environment) and S17 (Place Making and Design).

6.4 Historic Environment

6.4.1 The western part of the site is identified as being within a significant view of The Hill Historic Park and Garden (RPG). In the Archaeological and Heritage Assessment submitted by the

applicant as part of the application, the site as it currently exists is assessed as making a 'small' contribution to the significance of The Hill Grade II RPG; despite the west end falling within its essential setting; and a 'negligible' contribution to the significance of the overlapping Abergavenny Conservation Area, which covers an extensive area that extends to the south. The proposed development is assessed as giving rise to a 'loss' of significance from both The Hill RPG and the Abergavenny Conservation Area. This equates to a negative effect and a degree of harm. The 'harm to the RPG would be 'small' and (in the case of the conservation area) it would be de minimis because the existing complex of buildings makes a negligible contribution to its significance, as it represents a large, extensive and diverse asset. These limited impacts on designated historic assets are considered to be acceptable given the positive contribution the new school will have from an educational point of view. The proposal will provide a redevelopment of the school and associated grounds and overall is considered to be a substantial improvement to the site and area with a more contemporary development that better fits the site and area.

6.4.2 Information in the Historic Environment Record indicates that there are no known archaeological sites within the proposed development area. However, there is substantial evidence of archaeological activity in the vicinity including the Roman fort and medieval town to the south. The Roman road from Brecon to Caerleon (RR62a) is located to the south-west. Two Cemetery Chapels (Non-conformist and Church of England) are located to the south-east and while they are adjacent, historic Ordnance Survey mapping suggests they do not extend into the development area. Overall, whilst it is unlikely that nationally significant remains are present, particularly due to the adverse effect of previous construction activities, there remains the possibility of encountering archaeological material of lesser importance during the proposed works. Nevertheless, the applicant has prepared a written scheme of archaeological investigation. The programme of work takes the form of a targeted watching brief during the groundworks required for the development, focussing on works outside of the existing structures, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded. The applicant has submitted a detailed method statement to ensure that the construction is conducted sensitively and compliance with this method statement is a proposed condition.

6.5 Biodiversity

6.5.1 A number of trees within the site will be removed as part of the proposals, although the veteran oak referred to above, will be retained. The loss of these trees will result in an adverse effect on the biodiversity of the site. The losses will be compensated through new tree planting throughout the site. A total of 293 native trees will be planted to compensate for the removal of 56 semi-mature trees.

Method statements will be produced in order to minimise impacts on priority species including nesting birds, reptiles and common species of amphibians, hedgehog and polecat. Additionally, a Construction Environmental Management Plan (CEMP) has been submitted which includes controls to prevent pollution.

6.5.2 Mitigation for loss of bat roosting opportunities will include the integration of bat boxes to the fabric of the new buildings, and provision of tree mounted boxes on existing trees where suitable. A sensitive lighting plan has also been designed in order to minimise impacts on foraging and commuting bats and reduce light spill onto boundary habitats such as scrub and woodland.

6.5.3 In consideration of this application, as a European Protected Species (bats) will be affected by the development, it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. 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 / 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 poor quality school building will significantly improve the learning experience for pupils.

- (ii) There is no satisfactory alternative

The application is necessarily site specific. The retention and improvement of the existing buildings would not result in a school that meets the requirements of the Council's 21st Century Schools programme.

- (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.

NRW have confirmed that they 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.

6.5.4 Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The PEA report includes details of proposed enhancement measures to include planting of 293 native trees, 465m of linear native hedgerows, provision of sustainable drainage, seeding of 7674 sq metres of wildflower grass areas with a low intensity cutting regime. Details of the proposed planting is illustrated on drawing no. 26Z007-FIR-00-ZZ-DR-L-XX-0007 rev.5 by Fira, dated 02/02/2021.

6.5.5 An external inspection of buildings to assess their suitability to support roosting bats or nesting birds was undertaken by Just Mammals Consultancy on 15 February 2021. Single dusk emergence surveys were undertaken for buildings and trees assessed as having low potential for roosting bats. Two dusk emergence surveys were undertaken on one building (B6) and the veteran tree identified as having moderate potential for roosting bats. Ecological enhancement measures will include new native planting of trees and shrubs throughout the site, as well as creation of wildflower grassland areas, as detailed in the GI Management Plan. Additionally, the ecology report states that provision of artificial ecological enhancements will include:

- 6 integrated bat boxes within the fabric of the new building;
- 6 tree-mounted woodstone bat boxes;
- 4 integrated Manthorpe type swift boxes for swift and house sparrow.
- 2 reptile hibernacula to be created within the site
- A cluster of 3 wet scrapes to be created in the south-western part of the site.

These enhancement measures are considered to be acceptable and proportionate for the development. Installation methodology and locations of the features are provided in Figures 1 and 2 of the 'Artificial Wildlife Feature Plan – Abergavenny 3-19 School, by BSG Ecology, dated April 2022'. The installation and continued retention of these measures should be conditioned provided Members are minded to approve the application. On this basis the requirements of LDP Policy NE1 are considered to have been met.

6.6 Impact on Amenity

6.6.1 The nearest residential properties to the existing site are located to the northern boundary and comprises the rear curtilage of dwellings that front Underhill Crescent. Residential properties to the east are separated by Old Hereford Road, to the north-west by Hillside and to the west by Pen Y Pound. There is only a short section of the eastern site boundary that would be visible from Old Hereford Road, mainly the existing site access. Dwellings at Old Hereford Road typically do not have a significant outlook onto the site. The residential amenity of these dwellings will therefore be subject to negligible impact from the proposal. This is similar for the dwellings to the north-west and west at Hillside, Wedgewood Gardens and Pen Y Pound which currently benefit

from a better outlook onto the site over the existing sports pitches and school grounds generally. The visual relationship will be similar to the existing as the proposal comprises sports pitches and whilst the school building will move more westerly this will not be of detriment to properties due to there being a distance of over 50m between these properties and the boundary of the site. Planting of many new extra heavy standard trees is also proposed along the northern boundary to enhance the existing tree screen.

6.6.2 For the properties that are most easterly and that benefit from screening by existing trees and shrubs, their view will largely remain unchanged as although some tree loss is proposed in this area it is proposed to retain and enhance much of the planting along the northern boundary. Visually the proposal is considered to be of benefit to other properties which currently look upon the school building that is not particularly aesthetically pleasing. The view will be opened up for properties with a longer outlook which is considered to be a positive change.

6.6.3 The movement of sports and games pitches closer to this boundary will alter the relationship for the existing properties as there is a level of noise generation associated with their use.

6.6.4 The lighting plan submitted as part of the application shows that the proposed hockey pitch includes flood lighting. The area to the north of the pitch is most heavily wooded at present, providing a strong level of screening northwards. The flood lighting will therefore not be highly visible to properties at Underhill Crescent.

6.6.5 To the south-western area of the site the change between the existing and proposed relationship will be negligible. The existing site comprises sports pitches with the same use proposed. The proposed all weather pitches comprise flood lighting. As the flood lighting is a significant distance away from nearby receptors along with being temporary in use, the impact is considered to be acceptable.

6.6.6 A Noise Survey has been submitted in support of the Planning Application. The Noise Survey summarises the results of a baseline noise survey at the site and an assessment of potential noise impacts arising from the proposed development. The survey has identified that the existing soundscape at the site is generally very quiet. There are no significantly noisy roads in proximity to the site, no significant plant noise sources on nearby buildings and no other dominant noise sources affected the measurements.

6.6.10 The existing site is located in a predominantly residential area and is not affected by any significant noise sources. The ambient noise level measurements results were 42 to 43 dBLAeq across the site. The ambient noise levels are fairly low and would be supportive of a natural ventilation strategy for all types of classroom and in all locations across the site. No additional glazing, façade or roof acoustic upgrades are required in order to control environmental noise break-in to the proposed school.

6.6.11 The proposal will not therefore harm local residential amenity and is considered to be compliant with national policy and LDP Policy EP1.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

The site is located within the town of Abergavenny which benefits from good public transport links including buses and a main line railway station. It is also within walking and/or cycling distance for a large population. On this basis it is considered to be sustainable in terms of transport.

6.7.2 Access / Highway Safety

Generally, the existing school operates reasonably well from a transport and access perspective utilising a shared means of access with the Leisure Centre. Access to the site is via a one-way access directly off Old Hereford egressing the site on Pen Y Pound via a one-way system. The site currently accommodates circa 159 parking spaces of which 70 are set aside for the use of the

Leisure Centre and 89 for staff and visitors to the school. The site currently has no defined parent pupil vehicular drop off provision. The site currently accommodates parking for around 11 home to school transport providers, 3 coaches and 8 or so minibuses.

The site has reasonable walking and cycling provision with access to the North and East of the site via a signal-controlled crossing facility on Old Hereford Road and access to the South via Pen Y Pound that is accessed via a signal-controlled crossing facility at the junction of Pen Y Pound / Old Hereford Road / Avenue Road. Footway provision on Old Hereford Road is good providing access to residential area to the north, west and the town centre to the south, the existing footway provision on Pen Y Pound is not considered the most robust and is generally below current active travel design standards although providing access to the residential network of footway to the south and east of the school. The site is located within walking and cycling distance for many of the residential areas of the town and town centre.

The proposed new site will benefit from dual entrances. To the east from Old Hereford Road and to the west from Pen Y Pound Road. Both site entrances will accommodate vehicular and pedestrian access and egress. The Old Hereford Road entrance will also provide vehicular and pedestrian access and egress for the retained Leisure Centre. The new site arrangement will no longer provide a route through the school linking Old Hereford and Pen Y Pound Road.

A new cycle and pedestrian route has been created along the southern boundary of the site, outside of the secure fence line of the school, which will link Old Hereford Road and Pen Y Pound Road.

There are five entrances through the secure perimeter and into the school premises. Two pedestrian and cycle entrances to the east of the site and two pedestrian and cycle entrances to the west. The fifth entrance to the east is a service entrance only. Whilst general vehicular access is not permitted beyond the secure perimeter of the school, access for emergency vehicles has been allowed for up to the primary entrances into the school buildings and to the sports pitches. Once within the secure perimeter of the school, pupils and staff can access all buildings and the external curriculum sports areas, without needing to compromise the secure perimeter.

In terms of Active Travel, the proposal incorporates an east-west active travel shared-use footpath along the southern boundary of the site. This provides essential connectivity. This route needs to be provided prior to the existing route through the site being closed to facilitate the development and needs to remain open for use throughout the development to ensure students can access the operational school buildings at each stage of the construction programme. The route provides a valuable east-west link for the wider community and is referenced as a priority route in the Active Travel Network Maps. A consultant is working on different options for improved school access for pedestrians and cyclists using Pen-y-Pound: this will be delivered alongside the school redevelopment but falls outside the scope of the planning application. Members, however, can be reassured that improvements are proposed.

A stage 1 / 2 road safety audit as requested by Highways has not yet been submitted, however this is not a pre-requisite for the planning process, being a highway requirement so it would be a matter to be addressed following determination of the application.

It is noted that the Council's Highway Authority agrees with the conclusions of the traffic assessments provided and following improvements to both entrances there is no reason to refuse the application on highway safety grounds.

6.7.3 Parking

Vehicular parking is provided adjacent to both of the site entrances and kept at the periphery of the site. These areas are outside of the secure fence line of the school and include for bus drop-off and domestic vehicle drop-off. Cycle parking is accessed from the entrances but is located within the secure perimeter of the site.

6.8 Flooding

6.8.1 A small section of the south-western corner is located within flood zone C2. The area as existing comprises a less vulnerable use. The proposed use in this location is grassed amenity space and a very short section of sports pitches. These are also classed as less vulnerable uses under TAN15. As such there is no change in circumstance with regard to flood risk.

6.9 Drainage

6.9 1 Foul Drainage

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

The principal source of phosphate generation in this context is from flow rate at connection to the foul drainage network and subsequent discharge of treated effluent to the Usk. The Llanfoist Wastewater Treatment Works does not currently have any facility for phosphate removal. The installation of such technology is intended; however timescales are not yet fixed.

The foul discharge rate and therefore phosphate generation will be a function of school population. In the short term, population of the Abergavenny schools will be redistributed from three sites to two all of which are in the same foul drainage network catchment. 3.2 Currently, 66% of pupil population live within 2 miles of the school. This would place them within the catchment of the same foul drainage network. As such this portion of population is already counted and based within the Usk catchment regardless of the school development.

The proposed new school development will include significantly more efficient foul appliances with 4.5 litre WC flushes compared to the existing schools which would be 7.5 litre flushes. Wash hand basin and shower outlets would also be fitted with flow restriction and sensors. A reduction in water usage of 40% is predicted for the same population. Phosphorous loading from surface water runoff for the new development is intended to be mitigated, by the use of a SuDS train comprising permeable paving and open water storage

The application has been screened in accordance with Natural Resources Wales draft interim advice for planning applications (version 3) within the river SAC catchments (issued on 24th April 2022). This version is not yet adopted by NRW at this point, however NRW have outlined within their correspondence of 19th May 2022 outlining the following:

'We consider that if a development can be shown to serve a local population that has already been accounted for in terms of wastewater discharge within a SAC catchment, then it is reasonable to conclude there is unlikely to be additional nutrient discharges from the development site. This is sometimes referred to as additionality, which seeks to avoid 'double counting' of nutrient discharges. It is for the competent authority to apply this approach if considered appropriate. You must be satisfied, based on the application details, that any impacts from the proposal would not undermine the ability for the SAC to meet its conservation objectives.'

The Local Planning Authority consider that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the advice:

- *developments intended to provide services or facilities for a local population already served by residential connections to existing public or private sewers discharging within the catchment of a river SAC, e.g., community buildings, schools etc.*

On this basis no additional waste water will be entering the Phosphorous Sensitive Catchment Area as a result of this redevelopment of the school as the catchment of the existing schools is already resulting in discharge within the Usk Catchment. Any residential growth within the school catchment that would result in additional pupils at the school would be required to be in accordance with NRW's planning guidance and a solution to mitigate phosphate output would need to be secured for this residential growth to occur. In addition the school development will include significantly more efficient foul appliances that will be a betterment on the existing arrangement. The proposed development would not have an unacceptable impact on the level of phosphate within the river SAC and its impact is screened out in accordance with the NRW draft guidance and as outlined within their correspondence of 19th May 2022.

6.9.2 Surface Water Drainage

Surface water drainage design has been carried out in accordance with Welsh Government Statutory Standards for Sustainable Drainage and the Ciria SuDS Manual C753. The surface water drainage arrangement will be subject to a SuDS application to be considered and approved by Monmouthshire County Council as the SuDS Approving Body (SAB).

6.9.3 Contamination and Air Quality

Environmental Health's response on contamination recommends "a Site Investigation/Risk Assessment procedure be undertaken in accordance with CLR11 'Model Procedures for the Management of Land Contamination'". However, this has already been undertaken within Terra Firma's preliminary geo-environmental assessment and geotechnical investigation of the site (March 2020 – as submitted on the Planning Portal in sections due to file size and provided in full/high spec version on USB). The Terra Firma report specifically refers to the 'Model Procedures for the Management of Land Contamination –Contamination Land Report 11'. Part (a) of the recommended condition EH01 has therefore been satisfied, and likely mitigation and remedial measures suitable for the identified contamination are set out at Section 7 of the report (with a Remediation Strategy Report and Validation Report to follow).

The Environmental Health response on air quality suggested that an Air Quality Impact Assessment could be undertaken. However, in light of the baseline position, it is not considered that the redevelopment of the site will bring about any impact in relation to air quality on the site and in the surrounding area. There will be no discernible increase in total traffic movements on the local highway network, and as such, no overall increase in air pollution. Furthermore, the increased focus on active travel within the local area (and drive to increase trips to school by sustainable modes of transport) will result in a decrease in air pollution in the long term. In addition, potential air quality impacts arising as a result of demolition and construction activities will be short term and temporary and can be minimised through the adoption and implementation of good construction practices (as set out in the CEMP).

6.10 Response to the Town Council/ Third Parties

6.10.1 The concerns raised by the Town Council and other third parties in relation to residential amenity, environmental sustainability, wildlife and highways/active travel have been addressed in the previous sections of this report.

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

6.11.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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' wellbeing objectives set out in section 8 of the WCFG Act.

6.12 Conclusion

6.12.1 The proposed demolition of the existing school buildings and provision of a new 3 -19 school at the site is considered to meet the requirements of both National and local planning policy and would substantially improve the design quality of buildings on site and would create a high quality place.

6.12.2 The development will not harm local residential or visual amenity or adversely affect highway safety and the River Usk SAC.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 The development shall be carried out in strict accordance with Section 5 (Potential Impacts and Recommendations) of the approved 'Abergavenny 3-19 School - Ecological Appraisal Report - by BSG Ecology dated 07 February 20221' report.

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

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with any approved lighting design.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

5 An updated Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation 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.
 - a. Trees, Grassland, Shrubs, understorey and hedgerows inclusive of strategic planting to compensate for loss
 - b. Green corridors
 - c. SUDs, Water bodies
 - d. Veteran trees
- 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, understorey and hedge buffer strips to increase and maintain diversity, connectivity and screening
- c. Maintain GI and 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 inclusive of landscaping, landscape planting and SUDS.
- 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)

- 6 The 'Artificial Wildlife Feature Plan – Abergavenny 3-19 School, by BSG Ecology, dated April 2022' document which illustrates the design and location of bat and bird box provision as well as hibernacula and wet scarps for amphibians and reptiles shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

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

- 7 No part of the development hereby permitted shall be occupied until:
- a) Following remediation a Completion/Validation Report, confirming any required remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - b) 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.

- 8 During demolition and construction:
- a) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

- No fires shall be lit within 15 metres of the nearest point of the canopy of any retained tree.
 - No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
 - No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.
- b) The implemented TRPP shall be maintained in its entirety, and the monitoring and reporting programme approved under part d) of the previous condition undertaken, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from site.

REASON: In order to protect and conserve the retained tree stock across the site, and in order that the local authority has an opportunity to ensure that the tree protection has been adequately established in accordance with the tree protection plans.

- 9 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1, LC1 AND LC5 of the Local Development Plan

- 10 Prior to PV installation north of the main car park, soft landscape details for landscaping to include planting plan, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive of rain gardens and SuDS green engineering, shall be submitted to and approved by the Local Planning Authority. The landscaping shall be carried out in accordance with condition 10 above.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1, LC1 and LC5 of the Local Development Plan

- 11 No demolition or construction shall take place within 15m of the Veteran Oak tree (referred to as T1) until a full and detailed Arboricultural Method Statement is submitted and agreed in writing with the Local Planning Authority. The development shall be constructed strictly in accordance with the approved method statement.

REASON: In order to protect and conserve the Veteran Oak tree, and in order that the local authority has an opportunity to ensure that the tree protection has been adequately established in accordance with the tree protection plans.

- 12 Construction of the development hereby approved shall be in strict accordance with the Construction Traffic Management Plan by Morgan Sindall dated 28/4/22.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

13. Construction of the development hereby approved shall be in strict accordance with the Archaeological Watching Brief Method Statement prepared for Morgan Sindall Construction & Infrastructure Ltd by Black Mountain Archaeology Report No 255 dated 24th May 2022.

REASON: In the interests of preserving the historic environment in accordance with Policy HE1 of the LDP.

INFORMATIVES

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

2 Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protectedspecies/?lang=en>

3 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.

Application Number: DM/2022/00460

Proposal: Modification of condition 1 (Restriction To Opening Times.) for planning decision DC/2014/00314

Address: Gemma Thomas Hair Lounge, New Inn Cottage, The Cutting, Llanfoist Abergavenny

Applicant: Mrs Gemma Thomas

Plans: BP2386-00 - Rev A, SITE LOCATION PLAN

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 22.03.2022

This application is presented to Planning Committee due to a request from the former Local Member

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing hair salon located within a dwelling at The Cutting in the village of Llanfoist.

1.2 Proposal Description

It is proposed to modify condition no. 3 from the original consent for the salon from:

The premises shall not be used for the approved purposes outside the following times: Tuesdays to Thursdays 9am - 5pm, Fridays 9am - 7pm and Saturdays 9am - 4pm. The salon shall be closed to the public on Mondays and Public Holidays. ~ To protect local residential amenity.

to:

The premises shall not be used for the approved purposes outside the following times: Mondays 9.30am to 3pm, Tuesday to Thursdays 9am - 5pm, Fridays 9am - 7pm and Saturdays 9am - 4pm. The salon shall be closed to the public on Sundays and Public Holidays. ~ To protect local residential amenity.

The modification of condition would allow the salon to be open for an additional 5 and a half hours per week. The change is to give the business owner more flexibility to work following a change in childcare arrangements.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DC/2010/00999	Change of use of part ground floor from post office to residential use.	Approved	15.12.2010
DC/2014/00314	Change of use of rear ground floor rooms to hairdressing salon.	Approved	11.06.2014
DM/2022/00460	Removal of condition 1 (Restriction To Opening Times.) for planning decision DC/2014/00314.	Pending Determination	
DC/2017/00424	New entrance to hair salon.	Approved	06.06.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S9 LDP Employment Sites Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

E3 LDP Working from Home
EP1 LDP Amenity and Environmental Protection
DES1 LDP General Design Considerations
MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanfoist Fawr Community Council - This application was considered by this Community Council at a recent meeting. A voting majority of Members raised no objections.

MCC Environmental Health – No objections following clarification of opening hours as per current description of development.

Previous comments: I am of the opinion that the hours of opening could potentially be extended but I do not feel it appropriate for the business to be in a position to operate 24/7.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

One representation received. Object on the following grounds:

We fail to understand why working 6 days a week gives flexibility?

If they are granted planning, will they then recruit more staff?

Customers' cars continue to park, with disregard to the residents and blocking of driveways is a common occurrence when drivers wait for the passengers who are in the salon.

Parking on the pavement is also another hazard.

The road itself is narrow and in disrepair.

Lorries and deliveries regularly have to double park, so it becomes a traffic jam.

If it was a guaranteed condition that customers park in the Indian restaurant then that would go some way to help the residents' acceptance of so-called flexibility of working hours (people with a disability would not be expected to park in the restaurant).

5.3 Other Representations

None.

5.4 Local Member Representations

Former County Councillor Giles Howard - Requested that the application is determined by Planning Committee. Residents are unhappy and that an extension of hours should not be permitted (for the reason stated in the opening hours condition of the original consent).

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 No change to the external appearance of the building is proposed as part of this application.

6.2 Impact on Residential Amenity

6.2.1 There is no off road parking at the site but the applicant does have an agreement in place with the nearby Spice Lounge Restaurant on Merthyr Road allowing customers of the hair salon to use their car park during the above opening hours. No objections have been received in relation to the use in general and therefore it is reasonable to assume that parking is the only issue of concern in relation to local residential amenity.

6.3 Access / Highway Safety

6.3.1 The Cutting is a public highway and therefore all members of the public are entitled to park on the street. There is no off road parking for the salon, but the applicant does have an agreement in place with the nearby Spice Lounge Restaurant on Merthyr Road allowing customers of the hair salon to use their car park during the above opening hours. It is also worth noting that the application property was a Post Office until 2010 and therefore has historically had a commercial use, being used as just a dwelling between 2010 and 2014 only.

6.3.2 An extension of opening hours to include an additional five and a half hours on a Monday would be during the day when residents are more likely to be working. Each hair appointment generally lasts for an hour. As such the extended opening would result in a maximum of 6 additional visits per week. Therefore, it is considered that this increase is unlikely have a significant impact on highway safety.

6.4 Foul Drainage (Phosphates)

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

6.4.2 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:
Any development that does not increase the volume of foul wastewater. No foul drainage is proposed.

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

6.6.1 Objections in relation to customer parking have been addressed above. Customers parking across driveways of residents or on the pavement is not a material planning consideration but may be a matter for the Police.

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

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

6.8 Conclusion

6.8.1 The minor increase in available opening hours for the salon is considered to be acceptable in terms of highway safety and residential amenity.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 The premises shall not be used for the approved purposes outside the following times: Mondays 9.30am to 3pm, Tuesdays to Thursdays 9am - 5pm, Fridays 9am - 7pm and Saturdays 9am - 4pm. The salon shall be closed to the public on Sundays and Public Holidays.

REASON: To protect local residential amenity.

2 There shall be no public access to the rear of the building.

REASON: To protect local residential amenity.

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 1/3/22

gan Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 05.03.22

Appeal Decision

Site visit made on 1/3/22

by Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 05.03.22

Appeal Ref: APP/E6840/A/21/3282973

Site address: Bentra Farmhouse, Pentre Road, Llangovan, NP25 4BU

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 grant of planning permission subject to conditions.
- The appeal is made by Mr Richard Harry against the decision of Monmouthshire County Council.
- The application Ref DM/2020/01805, dated 8 December 2020, was approved on 7 April 2021 and planning permission was granted subject to conditions.
- The development permitted is to 'replace existing Juliet balcony with timber/glass balcony'.
- The condition in dispute is No. 3 which states that: The 1.8 m privacy screen as detailed on drawing KS056-102 Revision A shall be installed in its entirety prior to the balcony hereby approved being brought into beneficial use and shall be retained as such in perpetuity.
- The reason given for the condition is: In the interests of preserving third party residential privacy and amenity and to ensure compliance with policies DES1 and EP1 of the adopted LDP.

Decision

1. The appeal is allowed and the planning permission Ref 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.

Procedural Matters

2. I note the description of the site address vary slightly between that stated on the planning application form and the Council's decision notice; I have used the former description as it is more concise.

3. I note that the balcony as proposed has already been constructed on site albeit not in full accordance with the permitted plans i.e. as detailed by the appellant 1.1m clear glazing has been provided to all sides of the balcony. Notwithstanding the works carried out to date, I have considered and determined this appeal based on the submitted drawings as referenced in the Council's decision notice.

Background and main issue

4. The appeal relates to a proposal for the erection of a balcony to rear elevation of a detached dwelling known as Bentra Farmhouse, Pentre Road, Llangovan. The balcony as detailed on the submitted plans replaces the existing Juliet balcony on the rear elevation of the house. The balcony projects 2.5m from the rear elevation and measures 3.8m in width. As detailed on the submitted drawings, the side of the balcony facing towards the adjacent property known as Bentre Millhouse would comprise of opaque glazed screening, topped with timber privacy slats upto a height of 1.8 m. The Council approved the scheme subject to a condition (No. 3) which required that the 1.8 m privacy screen as detailed on drawing KS056-102 Revision A was to be installed in its entirety prior to the balcony being brought into beneficial use and retained thereafter.
5. In summary, the appellant considers the imposition of any form of 1.8 m screening to be unnecessary and that the condition should be deleted.
6. The main issue is whether the disputed condition is necessary and reasonable, having regard to the living conditions of occupiers of the adjacent dwelling with particular reference to privacy.

Reasons

7. The proposal is for a balcony to the rear of Bentra Farmhouse. The structure as permitted was in part to replace a Juliet balcony that already afforded views into the garden of Bentre Millhouse which is sited to the north. The Council planning report states that given the topography of the site with the garden of Bentre Millhouse being set at a lower level, that without mitigation the proposal would reinforce potential overlooking and loss of privacy and as a result it was considered a 1.8 m high screen to the northern boundary was appropriate.
8. The now replaced Juliet balcony that served the appeal property already allowed for a degree of overlooking of the adjacent property. The balcony as proposed is located at just over 12 m from the boundary with Bentre Millhouse beyond which at roughly the same distance that property is sited; such a distance between property boundaries is commonplace, albeit normally associated with a back to back relationship.
9. Notwithstanding the elevated nature of the proposal relative to the adjacent property, the presence of landscape screening in the form of existing bushes/trees in not only the appellant's property but also the adjacent property provide significant screening of extensive areas of the adjacent garden. As a result I do not consider there would be any material or significant increase in overlooking or impact on the privacy of the nearby dwelling or garden due to overlooking, or impacts on general privacy by way of noise disturbance, especially bearing in mind the distances involved between the balcony and the common boundary, the fact that large parts of the adjacent garden such as the area with furniture sited on it are significantly further away than that yet again, and the significant screening effects of landscaped features within the adjacent property.
10. Whilst the screening effects of vegetation would be more limited for parts of the year, nonetheless even out of leaf, as I witnessed during my site visit existing vegetation does provide a significant degree of screening.

11. In arriving at the above conclusion I am conscious that the Council have not identified any set guidance in regards to matters pertaining to amenity. In the absence of such guidance, the site specifics would indicate that there would be no significant detriment to the amenity of nearby properties.
12. Based on my findings above, such a requirement as per condition No. 3 is not necessary, nor reasonable in the interests of residential amenity for the reasons highlighted above; no element of the privacy screen is justified. Accordingly, I shall delete the condition in terms of any reference to any 1.8 metre high privacy screen.

Other Matters

13. In support of his objection to the deletion of condition 3, the adjacent occupier drew attention to the fact that such a privacy measure would also be consistent with the previously required use of obscured glass in the north facing windows on the appeal property, however I do not know the full circumstances that lead to those windows being obscured glazed; in any event each application is decided on its own merits.
14. The neighbouring property owner also refers to the fact that works were carried out in breach of the planning permission, however this appeal is not concerned with such matters. As previously referred to above, I have considered the scheme based on the details as originally submitted and determined by the Council.

Conclusions

15. For the reason given above, I conclude that the appeal should succeed. I shall vary the planning permission by deleting the disputed condition. Deletion of condition No. 3 condition would not run contrary to the Monmouthshire Local Plan policies DES1 and EP1 which collectively seek to safeguard residential amenity.
16. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

Declan K Beggan

Inspector

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Penderfyniad ar yr Apêl	Appeal Decision
Ymweliad â safle a wnaed ar 23/11/21	Site visit made on 23/11/21
gan Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI	by Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI
Arolygydd a benodir gan Weinidogion Cymru	an Inspector appointed by the Welsh Ministers
Dyddiad: 04/05/2022	Date: 04/05/2022

Appeal Ref: APP/E6840/F/21/3281000

**Site address: 5 Little Hervells Court (also known as Envy), Chepstow,
Monmouthshire, NP16 5FF**

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

- The appeal is made under section 39 of the Planning (Listed buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 ('the Act').
- The appeal is made by Mr Adam Vers of Kardinale Homes Ltd against a listed building enforcement notice (LBEN) issued by Monmouthshire County Council.
- The Council's reference is E20/077.
- The notice was issued on 13 July 2021.
- The contravention of listed building control alleged in the notice is "without listed building consent – (breach of Condition) Condition 3 attached to DC/2017/00624 states 'All new works and finishes of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition (s) attached to this consent'.
- REASON: To safeguard the character and appearance of the listed building. Following numerous site visits (*sic*) the property it was identified that the areas of new and rebuilt stonework is finished with a mortar that is not appropriate to the adjacent listed boundary wall. Therefore in breach of Condition 3 above."
- The requirements of the notice are as follows:
 1. To remove existing light coloured mortar to the sides and (*sic*) top of the wall as shown in the areas of the wall on the attached photographs in Appendix B; and,
 2. Once the mortar has been removed the wall shall be repointed using a lime mortar which shall be of a colour to match shown on the attached photo in Appendix C.
- The period for compliance with the requirements is three months from the date the notice takes effect.

- The appeal is made on the ground (c) as set out in section 39 (1) of Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Act.
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Decision

1. The appeal is dismissed and the LBEN is upheld.

Procedural and Background Matters

2. The appeal was initially made on the incorrect appeal form. The appellant has submitted the correct form with the relevant grounds of appeal. All parties were given the opportunity to make additional comments on the grounds of appeal. My consideration of this matter has been based on the appeal form as revised along with any comments originally submitted by the Council or other parties.
3. The breach of planning control referred to above pertains to a condition attached to a listed building consent related to the construction of a dwelling within the grounds of a grade II listed property known as Lower Hardwick House. The wall referred to in the LBEN forms part of a curtilage structure associated with the listed property.

Reasons

Ground (c) appeal

4. An appeal on ground (c) is that the matters referred to in the EN do not constitute a contravention of the Act. To succeed on this ground of appeal it must be successfully argued that the works carried out have not altered the character of the listed building and thus there has not been a contravention of section 7 of the Act. Section 7 of the Act states that "Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special or architectural or historic interest unless the works are *authorised* (my emphasis)". Section 8 sets out when works to a listed building are authorised.
5. In a ground (c) appeal the merits of the works are not considered. The issue at hand relates solely to whether or not the character of a listed building has been changed by the works carried out; this is irrespective of whether or not such works have been harmful to the listed building.
6. It must be conclusively shown, therefore, that the works have not altered the character of the structure and thus they do not constitute a contravention of the Act, or that a listed building consent [LBC] is in place for the works. The first issue to be considered, therefore, is whether or not LBC is required; clearly in this case, the creation of a new access through a listed wall and associated remedial works required such consent. That consent was given subject to a condition as detailed in the LBEN.
7. The second issue is whether there is any consent in place that has authorised the works subject to the LBEN. In this case Condition 3 attached to listed building consent Ref. DC/2017/00624 was quite specific in what it required i.e., all new works and finishes of making good shall match the existing original work in respect of materials used, detailed execution and finished appearance.
8. Lower Hardwicke House is described in its Cadw listing as a large Georgian house retaining its character which also has group value with Ashfield which is opposite. The period property is bordered by an attractive stone boundary wall of varying height that is a curtilage listed structure within which there is other development including a new dwelling that was granted planning and listed building consent in 2018 as referenced in the LBEN;

the appeal documents refer to this as an original boundary wall to the house as shown on the 1840 map.

9. Despite the creation of a new access opening in the wall to facilitate the new dwelling, nonetheless the existing boundary wall overall appears to be relatively well intact and is an attractive boundary feature associated with the historic listed building and the wider area which is also within the designated Chepstow Conservation Area as detailed in the Monmouthshire County Council Adopted Local Development Plan. The generally visually muted and aged nature of the mortar mix is intrinsic to the character of the wall. The wall with its mortar mix reflects a significant number of properties who exhibit similar historic features in terms of materials used and finishes. The wall therefore contributes not only to the listed Georgian property in terms of its special architectural and historic interest and its significance as a heritage asset, but also the wider area.
10. The new dwelling required the formation of a new access point through the listed boundary wall. As detailed in the LBEN, all required works of 'making good' to the wall entailed those finishes were to match the existing original work in respect of materials used, detailed execution and finished appearance in order to safeguard the character and appearance of the listed building. The existing boundary wall as detailed above is an attractive and pleasant boundary feature associated with the historic listed building. The appellant argues that due to the variation in mortar in the wall that the new mortar finished used is not unduly different and therefore there is no effect on the character of the listed structure, and in effect the works are therefore compliant with the relevant condition cited in the LBEN; I disagree.
11. Whilst I appreciate there is a degree of variation in the historic mortar used in the wall, nonetheless, despite that variation there is a broad similarity in its generally subdued weathered appearance which is commensurate with mortar that has existed for an extensive period of time; however, this is in stark contrast to the colour of the new mortar mix referred to in the LBEN that has been utilised over a significant area of the wall. The new mortar mix with its noticeable yellowish hue is substantially at odds with the overall subtle variations of the existing mortar mix which despite its differences, has a generally grey and darker character with a weathered tone. The sharp contrast of the new mortar mix as used catches the eye of the observer and whilst I appreciate that weathering may over time subdue the effects, nonetheless, this could take many years and even then it may still appear at odds with the mortar on the rest of the wall; this is not acceptable due to the detrimental impact on the character and appearance of the listed wall and as previously identified its special architectural and historic interest and its significance as a heritage asset.
12. Based on my observations on site and on the evidence as presented, it is clear to me that the works referred to in the LBEN have affected the listed structure as one of special architectural and historic interest. The mortar mix as referred to in the LBEN has an appearance that varies significantly from that currently used; this has clearly affected the character of the listed structure.
13. The permitted LBC does not authorise these works; it follows, therefore, that a contravention of the Act has occurred. The appeal fails on ground (c).

Other Matters

14. A third party has raised a number of other concerns relating to the site, however these are outside the scope of this appeal process.

Overall Conclusions

15. Based on the foregoing, and having considered all matters raised, I conclude that the appeal on ground (c) be dismissed, and the LBEN be upheld.
16. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015 (the 2015 Act). I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the 2015 Act.

Declan K Beggan

Inspector

New Appeals 01.01.2022 to 27.05.2022

Local Ref	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
DM/2021/00050	2-4 Monnow Street Monmouth Monmouthshire NP25 3EB	A change of use of former DS Music to an adult gaming centre (arcade gaming machines)	Appeal against Refusal	Written Representations	14.0.2022
DM/2021/00224	The Cotlands Beacon Road Trellech Monmouthshire	Proposed earth sheltered dwelling under the grazing land on the site of the former Cotland Farm House. The proposal forms part of an agricultural holding and would form the principal residence of the applicants and holding unit	Non-determination in appropriate period	Written Representations	07.03.2022
DM/2021/01200	Lingfield Cottage Five Lanes North Fives Lanes Caerwent Caldicot Monmouthshire NP26 5PQ	Granny annex and car port	Non-determination in appropriate period	Written Representations	17.03.2022

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