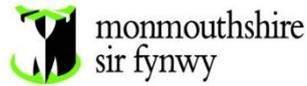


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 27 June 2022

Notice of meeting:

Planning Committee

Tuesday, 5th July, 2022 at 2.00 pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA
and remote attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 28
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2021/01695 - The creation of one traveller pitch incorporating a static caravan, touring caravan, conversion of existing stable block to a day/utility room. Land Adjacent 1 Rogiet Pool Minnett's Lane, Rogiet, Monmouthshire.	29 - 44
4.2.	Application DM/2021/01735 - Retention of domestic garage. 60 Old Barn Way, Abergavenny, NP7 6EA.	45 - 52
4.3.	Application DM/2022/00557 - A new car park is to be constructed on land to the south of Severn Tunnel Junction station. Land at Severn Tunnel Junction for creation of car park, Station Road, Rogiet.	53 - 64
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Lingfield Cottage, Five Lanes, Caerwent, Caldicot.	65 - 68

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

:

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

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

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

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

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

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.

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MONMOUTHSHIRE COUNTY COUNCIL

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

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

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

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

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Denzil – John Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Election of Chair

We elected County Councillor P. Murphy as Chair.

2. Appointment of Vice-Chair

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

3. Declarations of Interest

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

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

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4. Confirmation of Minutes

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

5. Chair's Announcement

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

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

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

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

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

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

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

1. Active Travel issues

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

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

2. Zero carbon energy performance

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

3. Safeguarding

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

4. Stakeholder Consultation processes

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

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

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

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

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

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

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

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

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

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

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

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

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

The Development Services Manager responded as follows:

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

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

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

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

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

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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

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

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

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

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

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

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

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

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

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

The proposition was carried.

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

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

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

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

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

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

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

For approval	-	16
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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

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

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

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

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

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

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

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

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

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

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

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

Reference to 5.2.1 The Submission

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

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

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

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

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

Ref: - 5.2.4 Residential Amenity

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

Ref: - 5.2.6 Building regs and Environmental Health

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

Ref: - Biodiversity / Ecology

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

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

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

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

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

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

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

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

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

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

The proposition was carried.

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

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

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

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

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

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

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

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Ref: - 5.2.4 Residential Amenity

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

Ref: - Biodiversity / Ecology

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

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

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

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

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

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

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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

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

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

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

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

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

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

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

There are 2 major areas of concern.

Access

There are 3 points to note here:

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

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

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

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

Dimensions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposition was carried.

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

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

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

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

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

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

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

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For deferral	-	13
Against deferral	-	3
Abstentions	-	0

The proposition was carried.

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

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

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

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

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

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

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

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

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

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

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

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

The local Member summed up as follows:

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

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

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

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

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

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

For approval	-	12
Against approval	-	2
Abstentions	-	2

The proposition was carried.

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

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

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

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

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

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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

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

16.1. Bentra Farmhouse, Pentre Road, Llangovan

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

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

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

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

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

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

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

The meeting ended at 7.18 pm.

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Application Number: DM/2021/01695

Proposal: The creation of one traveller pitch incorporating a static caravan, touring caravan, conversion of existing stable block to a day/utility room

Address: Land Adjacent 1 Rogiet Pool Minnett's Lane, Rogiet, Monmouthshire

Applicant: Mr. & Mrs. Tom Connors

Plans: Block Plan 02A - , Site Plan 03G - , Floor Plans - Existing 04A - Stable Block, Elevations - Existing 05A - Stable Block, Floor Plans - Proposed 06A - Day Room, Elevations - Proposed 07B - Day Room, Location Plan 01A - , Other - DESKTOP ECOLOGY SURVEY, Other - PLANNING STATEMENT AND, Other 11 B - Site Access Plan, Other 12 - Soakaway Details, Other 13 - Make up of Gravel Areas,

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Valid: 21.10.2021

This application is presented to Planning Committee due to the number of unresolved objections exceeding four

1.0 APPLICATION DETAILS

1.1 Site Description

The site which measures approximately 0.18ha is located on the northern side of the B4245 in Rogiet, just outside the settlement boundary. To the north of the site is the M48 motorway and its embankment forms part of the boundary of the site. To the west of the site are the residential properties of Rogiet Pool and to the east is Minnett's Lane with a small paddock beyond. There is an existing vehicular access from Minnett's Lane and the site is surrounded by a close boarded and panel timber fencing. There is some hedge planting to the front of the site. In April 2021 planning permission was granted for a replacement stable block on the site, these stables have now been built.

The site is within an archaeologically sensitive area, a minerals (limestone) safeguarding area and an area of amenity importance.

1.2 Value Added

The alignment of the access has been altered at the request of the Highway Authority. The new stable block has been removed from the proposed scheme.

1.3 Proposal Description

The application seeks the use of the site as traveller pitch for one family and would include:

A static caravan to be sited in the southern area of the application site with space for a touring caravan adjacent. The conversion of the recently completed stable block to the north into a day/utility room with a gross internal area of 38.5m². The existing vehicular access off Minnett's Lane will be retained and realigned. This will lead to a hardcore surface parking and turning area. The north western portion of the site will be retained as a paddock. The timber fence and planting area will be retained along the southern boundary of the site. A new close boarded fence will be erected along the western boundary with a hedge planted in front of it. A new hedge will be planted inside of the site.

Surface water from the caravan, day/utility room and the stable block will drain to soakaways and foul water from both the caravan and day/utility room will be drained to the public foul sewer system. There is a connection point available via the main sewer in the triangular area of land adjacent to the southern boundary.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01246	Construction of 2 no. three bed detached dwellings with on-site parking		
DM/2020/00026	Construction of a stable block and tack room on site of former stables	Approved	29.04.2020
DC/2017/00753	Retention of existing 2m high feather edged timber boundary fence facing Minnett's Lane	Approved	17.08.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S2 LDP Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design
S15 LDP Minerals

Development Management Policies

H8 LDP Gypsy, Traveller and Travelling Showpeople Sites
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC6 LDP Green Wedges
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
M2 LDP Minerals Safeguarding Areas

Supplementary Planning Guidance

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

National Planning Policies

Gypsy and Travellers Circular 005/2018 published in June 2018
The Gypsy and Traveller Accommodation Assessment
Designing Gypsy and Traveller Sites Welsh Government May 2015

<https://gov.wales/sites/default/files/publications/2019-03/designing-gypsy-and-traveller-sites.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

Rogiet Community Council (20/05/22) - Object (awaiting updated comments, may come as late correspondence)

Lack of clarity about the applicant's ultimate objectives and signs of incremental / parallel development initiatives.

Impact on the Green Wedge. Is the application compliant with MCC Policy LC6?

Inconsistent with previous planning policy and history

Road safety

Land is unsuitable for development

The site and the adjacent road flood

Green Infrastructure Status and impact on the Area of Amenity Importance

Noise from generators for electricity (if the site is not connected to mains supply).

Responsibility for waste when occupants leave the site.

MCC Ecology – No objection

The site has been previously used for grazing by horses and so there are no objections, however, recommend conditions to secure:

Control over external lighting, Securing the implementation of the proposed enhancements,

Construction Method Statement referencing the protection of ecology on site.

MCC Highways - No objection

Lead Local Flood Authority and SuDS Approval Body – No objection

Glamorgan Gwent Archaeological Trust (GGAT) - No objection.

Welsh Government Transport - No objection.

MCC GI and Landscape - No objection subject to conditions.

MCC Public Rights of Way - No objection. **Page 31**

MCC Housing Officer - The Connors households are not included in the new GTAA because they became known after it was finished.

MCC Planning Policy - The policy framework against which the proposal should be assessed is primarily set out in the Adopted Monmouthshire Local Development Plan, PPW 11 and WG Circular 005/2018 - Planning for Gypsy, Traveller and Showpeople Sites.

Dwr Cymru-Welsh Water - No objection

Request conditions to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

5.2 Neighbour Notification

Letters from 10 addresses following re-consultation on the 13th May 2022 (as of 13/06/22).

Original objection still stands

No dwelling should be built on this site, it should remain as pasture

Detrimental impact on the village

Reiterate original comments

Rogiet needs to build facilities for older children

The parcel of land has never been allocated in the UDP or LDP.

Land is on the Green Wedge

Generators will be used as there is no electricity supply

Waste from the land will create an unpleasant smell for anyone nearby

The vast majority of the work within the amendment has already been done

Letters of objection were received from 81 addresses on the original submission

Outside the Development Boundary

Allocated as a Green Wedge

The stables should not have been given permission to be built of blockwork

The site is too small

Exacerbate existing flooding problems at Buzzard Court

Loss of privacy

Smell pollution from 'dung heap'

Increase in traffic and congestion at the junction

Inadequate parking

No domestic services on the plot

Over development

Access is not suitable, and the fence restricts visibility

This is incremental development of a grazing and stable plot

May affect the water supply to other properties

Depreciation of property values

Previous applications on the site have been refused

Adverse visual Impact Animal Welfare

The site should be used to house local people

Site is prone to flooding

Rubbish and scrap may build up in the site

Loss of green fields

May lead to contamination of the land and attract vermin

Will undermine the area and serious impact on the local community and impact on the attractiveness of the area

Site not included in the emerging Local Development Plan of 2024

Generators will cause noise pollution

The area is part of natural reserve and Gwent Wildlife Trust

Overlooking or loss of privacy, loss of light or overshadowing, visual amenity, design, appearance and materials, landscaping, noise, smells and storage of hazardous materials.

Impact on the environment

A traffic assessment is needed of the local roads as they are heavily used by agricultural and commercial vehicles

May set a precedent for other traveller sites

Should use existing sites in Newport that have been provided at the expense of the tax payer

The Applicant's supporting statement is misleading and factually incorrect

Adverse impact on the landscape contrary to policy LC1 of the LDP

Adverse impact on ecology especially from additional lighting

Out of keeping with the character of the area

Proof is required that the applicants are gypsies

The applicant claims that this application would assist the council in fulfilling this need; however, this need has been identified by conducting GTAA with those already living within Monmouthshire

As part of this assessment, the council were not made aware of any additional households who wanted or needed to live in Monmouthshire by other Welsh authorities

Public services are decreased and are insufficient for local needs

An application for a traveller site in Rogiet was rejected decades ago

The access is not suitable for large vehicles

Close to a pedestrian crossing

Inadequate parking within the site

No site notices posted

MCC Planning & Policy H8 -Traveller Sites, require MCC to have established Travelling

Community needs, and, importantly, to proactively identify suitable sites. Thus negating the need for ad hoc applications of this nature

Similar proposals elsewhere in the county have been refused

No dimensions on the drawings

Not all residents in Rogiet were notified by letter

A shop would be more beneficial to the local community

Inadequate Drainage.

5.3 Other Representations

None received

5.4 Local Member Representations

Councillor Strong

As County Councillor for Rogiet, I wish to register my objection on the grounds that the revised plans fail to fundamentally address the issues which led to the failure of the previous planning application for the site to gain approval.

In particular:

The enclosed nature of the site represents an incursion into the green wedge between Rogiet Pool and neighbouring settlements. I note that development on this site has not featured in past or present Local Development Plans.

The stockade style appearance of the site creates an unacceptably adverse visual effect in contravention of Policy DES2.

Even with a reduction in its height, the fencing is inappropriate to a rural setting. Indeed, reduction in height creates even greater visual detriment in that it exposes the presence of various structures (stables, caravans) within the site.

The applicant's ultimate aims appear to go well beyond the current application. The submission of a parallel proposal for a small housing development on the site indicates that the current application is an attempt to incrementally alter the nature of the site in order to undermine existing protections so that a fundamental change of use from 'paddock' to housing can gain planning approval.

Overall, the revised plans fail to alter the earlier judgement that the development is in contravention of Planning Policy Wales S17 in that it does not meet the requirement to create a high quality attractive place featuring high quality design which respects local distinctiveness.

I note the continue objection of residents of Rogiet Pool to the development. I also note the continued objection of Rogiet Community Council, following its own detailed analysis.

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

By way of general background, a survey in March 2009 from the Equality and Human Rights Commission (EHRC) highlighted the urgent need to provide lasting solutions to the under-provision of Gypsy and Traveller accommodation under-provision. It notes that the majority of the 300,000 Gypsies and Travellers in the UK are conventionally housed; a further 17,900 caravans are recorded in England and Wales but about a quarter are not on authorised sites. Previously, local authorities had a duty to provide sites for Gypsies and Travellers, but this was repealed in 1994, a situation which apparently led to a rise in unauthorised encampments. The requirements of the Housing Act 2014 and (in Wales) a Circular 005/18 Gypsy and Travellers, requires LPAs to undertake an initial assessment of needs followed by the selection of sites if that is required. The planning system is largely land-use based, but the consideration of Gypsy caravan sites requires a wider perspective to be taken - an approach reflected in appeal decisions and case law which has identified the need to maintain the lifestyle of a section of the community as a factor in decision making, along with the right to a proper education. The courts have held that a balancing exercise must be undertaken weighing the harm arising to the public interest against the rights and personal circumstances of the appellants, with the availability of accommodation provision also being a material consideration.

Circular 005/2018 Planning for Gypsy, Traveller and Show people Sites

Circular 005/2018 Planning for Gypsy, Traveller and Show people Sites provides updated guidance on the planning aspects of identifying sustainable sites for Gypsies and Travellers. It also outlines how planning authorities and Gypsies and Travellers can work together to achieve this aim. The Welsh Government seeks to ensure a wide choice of accommodation is available to meet the needs of all members of the community. It is reflective of the Government's commitment to ensure equality of opportunity for all sections of the community and in this instance, Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community. Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage. Delivering more Gypsy and Traveller sites, whether public or private, is an issue for local authorities to address, as they have to find local solutions for local needs. The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. Local authorities are required to exercise their powers under section 56 of the Mobile Homes (Wales) Act 2013, as far as necessary, to ensure Gypsy and Traveller sites are provided for the unmet need. In order to be able to properly assess the accommodation needs of Gypsies and Travellers, section 101 of the Housing (Wales) Act 2014 introduces a requirement for local authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.

Determining Planning Applications for Gypsy and Traveller Sites

Paragraphs 58 - 69 of Circular 005/2018 identify what criteria local planning authorities (LPAs) should address when determining applications for gypsy sites.

Determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. Other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites which is evidenced as part of the Gypsy and Traveller Accommodation Assessment for the area. Personal permissions may be suitable in certain circumstances and may be conditioned as such. In considering specific provisions for sites, regard should be had to the Welsh Government's guidance documents on Gypsies and Travellers - in particular, the Designing Gypsy and Traveller Sites in Wales document when considering site size, layout and facilities. Permission to develop Gypsy and Travellers sites outside of settlement boundaries could be granted subject to sustainability criteria set out in national planning policy if there are no realistic, suitable sites available within or adjacent to settlement boundaries to accommodate Gypsies and Travellers. Planning authorities should not refuse applications because the applicant has no local connection.

In identifying sites for Gypsy and Traveller caravans, the Circular advises local planning authorities to consider locations in or near existing settlement with access to local services such as schools, health services and shops (para 36). The Circular identifies the issue of site sustainability as being important for the health and well-being of Gypsies and Travellers in terms of environmental issues

and for the maintenance /support of family and social networks. It advises that this should be considered not only in terms of transport mode, pedestrian access, safety and distances from services, but that consideration should also be given to a range of other issues, including:

- Promotion of peaceful and integrated co-existence between the site and the local community;
- Wider benefits of easier access to GP and health services;
- Access to utilities;
- Children attending school on a regular basis;

The Circular provides further advice in relation to rural sites which is applicable to the proposed application. It advises that rural settings may be acceptable in principle subject to planning or other constraints where there is a lack of suitable sustainable locations within or adjacent to existing settlements. In assessing the suitability of rural sites it advises LPAs to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services' (para 39).

While it does not advise the over rigid application of national and local policies that seek a reduction in car borne travel given that they could be used to effectively block proposals for gypsy/traveller sites in a rural location, site sustainability is a factor which should be taken into account.

Paragraph 40 of the Circular sets out other considerations, in addition to the development plan, which may be taken into account in the determination of planning applications for Gypsy/Traveller sites. These include 'the impact on the surrounding area, existing level of provision and need for sites in the area, availability of alternative accommodation for the applicants and their specific requirements'.

In this particular case, the applicant and his family are accepted as being gypsies, they have brought a plot of land in a sustainable location which is adjacent to an existing settlement. They wish to develop and manage this site themselves. At present the applicant, his wife and children are living in a very overcrowded pitch on the Shirenewton Gypsy site in Cardiff, which they share with the applicant's mother and three sisters. The applicant works in Caldicot and Chepstow and chose Rogiet as it is close to his employment. The applicant has acquired this site as he wants to move closer to his place of work and so that his children can attend school locally, Rogiet having a primary school close to this site.

Evidence of Need

Paragraph 114.2.35 of Planning Policy Wales states that "Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need. Where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies an unmet need, a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met. "The Approved Gypsy & Traveller Accommodation Assessment (GTAA) was agreed in May 2016 and covers the 5-year period 2016 - 2021 (the applicants for this site in Rogiet were not included in this GTAA as they were not resident in the county at that time). This concluded that Monmouthshire had an estimated unmet need for eight permanent residential pitches to 2021. An updated Gypsy & Travellers Accommodation Assessment to cover the Plan period 2018 - 2033 of the emerging Replacement Local Development Plan (RLDP) has been prepared and submitted to Welsh Government for approval. This identifies a need for nine residential pitches between the period 2020 - 2025 and a further four pitches for the remaining Plan period of 2026 - 2033, giving a total need of 13 pitches for the Plan period. A response from Welsh Government on the updated GTAA has not been received to date. The adopted LDP does not provide specific site allocations for gypsy and travellers and whilst the RLDP will identify sites to address the need identified in the updated GTAA, the Plan has not reached this stage in the plan preparation process. As such, there are no alternative sites identified in the development plan.

The main issue of this current application is whether the personal circumstances of the applicants are such that they outweigh general planning policy and to assess why the provision of a pitches is required on this specific site.

The site is required for a gypsy traveller his wife and their four children, all of which are of school age. The applicants have previously resided on council gypsy sites in Cardiff and Bristol. The family needed a safe and settled place to live closer to the applicant's place of work, in a sustainable location with access to public transport, health and education facilities.

The applicant has carried out a search of other sites in the county and in the adjoining Newport and Cardiff area but neither public nor private sites were available and are unlikely to be available in the immediate future.

6.2 Sustainability

The site is located on the northern side of the village of Rogiet, just outside the settlement boundary. There is a general store, garage and primary school in the village all of which are within easy walking distance from the proposed site. There is a public bus service through the village which links it to the settlements of Caldicot, Chepstow and Newport. The site is also easily accessible to Severn Tunnel junction railway station. The proposed site occupies a very sustainable location with good access to services, facilities and public transport. In this respect, the site is considered to be a sustainable location consistent with the requirements of Circular 005/2018.

6.3 Development Plan Policy

Policy H8 of the LDP provided a framework against which proposals for Gypsy, Traveller and Travelling Showpeople sites will be assessed.

"Policy H8 - Gypsy, Traveller and Travelling Showpeople Sites

Where a need is identified for transit or permanent pitches/ plots for the accommodation needs of Gypsies, Travellers and Travelling Showpeople, they will be permitted provided they:

- a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle;
- b) Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems;
- c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, a play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the site curtilage;
- d) Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping;
- e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions;
- f) Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses;
- g) Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.

Proposals for the use of land for emergency pitches to meet proven need for use by Gypsies and Travellers will provide basic facilities, meet criteria b, d, e and f of this policy, and the location should be within reasonable travelling distance of a settlement with services and community facilities, including health and education."

In this case a need has been established for a single-family pitch and this location would allow the family to access schools, shops, health care facilities by public transport and on foot. The access into the site is very good with an existing vehicular access off Minnett's Lane only a few metres from the B4245. The site is of sufficient size to accommodate the required static caravan, touring caravan, day room and parking provision, all of which complies with the standards outlined in the Designing Gypsy and Traveller Sites in Wales document of the Welsh Government. The detailed design considerations of the application will be discussed in detail later on in this report, but the site does not occupy a prominent location. The site is not in any flood zone identified in the TAN15 DAM maps. The impact on the amenity on neighbouring land uses will be discussed in detail later on in this report. The site is located adjacent to the B4245 along which runs many services. Water and electricity can easily be provided to the site and the foul drainage can connect to the mains drains. The proposal accords will all of the criteria of policy H8 of the LDP and the site is a suitable location for a gypsy and traveller site.

6.4 Good Design and Place Making

As stated above the site is of sufficient size to accommodate the required facilities and those facilities meet the recognised standards. The structures on the site will all be single storey and will be partially screened behind existing vegetation and fencing. The static caravan will be of conventional design and the LPA has no control over its appearance, the same is also true for the touring caravan. The pitch will comply with the advice given in the Designing Gypsy and Traveller Sites published by Welsh Government in May 2015. The day room has already been constructed of blockwork, this will be finished in horizontal timber cladding with dark blue metal sheeting to the roof. These secondary

materials are considered appropriate in this semi-rural location. The amount of development and its intensity is comparable with existing uses and will respect the form, scale, siting massing and materials of its setting. The proposal will not impinge on any views or panoramas surrounding the site. The proposal accords broadly with the objectives of policy DES1 of the LDP regarding general design considerations.

6.5 Landscape

The site is located entirely in an Area of Amenity Importance as defined by policy DES2 of the LDP. This policy states:

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).

The site is currently used as a horse paddock and has been grazed in the past. The land is situated between a group of residential properties to the west, a motorway to the north, a small road to the east and a "B" road to the south; as such, it does not form an important strategic gap, view or open space. The land to the east of this site beyond Minnett's Lane does however provide an important area of open space. The application site is fenced off and in private ownership; it has never been used for formal or informal sport, recreational or community space. The site has no public access and does not add to the landscape importance of the area. The site has already been cleared but the trees on the boundary of the site are being retained and therefore there will not be a significant loss of habitat as a result of this proposal. The proposed development is therefore not considered to result in an unacceptable impact on the site's recreation value.

The vegetation from the eastern part of the site has been cleared in preparation for the hard surface, while some lowering of ground levels has also occurred. The north western part of the site has been retained as a grassy meadow. The site is surrounded by a close boarded and panel timber fencing approximately 1.8 metres in height. To the north of the site is the motorway embankment that rises up steeply and thus screens the site from views from the north. A new hedge will be planted in the centre of the site between the area of hardstanding and the grassy paddock. The existing panel fence on the western boundary will be removed and close-boarded fence will be erected with a hedge of native species planted in front. On the southern boundary facing towards the "B" road, the existing close-boarded fence will be set back by 1.2 metres from its existing position to allow for the vegetation to grow in front of it. These alterations to the fencing will soften the visual impact of the site and will provide biodiversity enhancements in the form of interconnectivity.

MCC Landscape and GI Officer welcomes the proposed alterations to the boundary treatments and offers no objection to the proposal. The planting to the internal division between paddock and hardstanding is welcome as are the proposed wildflower border, small tree planting and enhancement to existing hedges on boundaries. A planting specification and aftercare for the trees and new hedge planting needs to be provided to ensure Establishment. This can be requested by condition. It will be important for this application to retain, improve and enhance GI boundaries and connectivity along both the M48 buffer edge, Rogiet pool access, Minnett's lane and as seen from B4245 and nearby residencies. A landscape plan showing proposed planting that could enhance GI showing additional improvements to boundary treatments and planting such as maintained native species hedge and trees. This can be requested by condition.

The GI and Landscape officer suggests that if insufficient GI mitigation is provided to offset GI loss on site then an off-site contribution to enhance GI provision close to the site within and bounding

the Rogiet settlement should be sort through S106 / GI Bond agreement. Planning officers consider that sufficient GI mitigation is now being provided within the site and the a GI bond is not therefore necessary

6.6 Historic Environment

The site is not located within a Conservation Area and is not in the grounds of a Listed Building.

6.7 Biodiversity

The site is located within area of previously developed land as there has been stables on the site for many years. The site does not lie within any specifically designated protected land. Although the development would change the ecological composition and attributes of the site, the potential to provide additional green infrastructure of an appropriate species and mix and an area of managed and maintained grassland by way of condition, would provide biodiversity enhancements in compliance with the requirements of policies LC1, RE6 and NE1 of the LDP. 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. As an enhancement bat and bird boxes are being provided on the external elevations of the day room. The Biodiversity Enhancements have been included on the elevational drawings these are commensurate with the scale of the proposal. This will ensure that the provisions of policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

There is no objection from the Council's ecologist subject to conditions included below.

6.8 Impact on Amenity

To the west of the site is a pair of semi-detached properties no. 1 and 2 Rogiet Pool. There is a close boarded fence along the common boundary and beyond that a driveway. It is the side elevation of no 1 Rogiet Pool that is closest to the application site. There will be approximately 25 metres between the siting of the static caravan and the side elevation of the adjacent dwelling. The touring caravan will be sited closer to no 1 Rogiet Pool. Between the new development and side elevation of the existing house is the horse paddock. No 1 Rogiet Pool has a small window on the side elevation facing into the site. The residential use of the gypsy site will cause an increase in activity and disturbance however this will be no greater than any other residential user. As the proposed structures are all single storey and some distance from the existing residential property so they will not have a significant visual impact. There will be no loss of privacy or overlooking as a result of this proposal. To the south of the site is a row of residential properties but these are on the other side of the B4245 some 35 metres from the development.

The proposal accords with the Council's normal privacy standards for new development. The layout of the proposed development accords with the objectives of 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.

6.9 Highways

6.9.1 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 village of Rogiet which contains a garage, shop and primary school. There are also public transport links in the form of a bus service and close proximity to Severn Tunnel Junction railway station. This site occupies a sustainable location and the occupiers of the site will be less reliant on the car to go about their daily business.

6.9.2 Access / Highway Safety

The Highway Authority consider that the traffic generated by the development although different to that previously experienced when the field was used for the keeping of horses can be accommodated on the immediate local highway network, namely Minnett's Lane and the B4245 and

would not lead to a deterioration in capacity or safety of the network.

When the application was first submitted the Highway authority was concerned about the alignment of the access, however at the request of the Highway Authority the access has been amended. The Highway engineer says, "Revised drawings 'Site Plan, Dwg 03f' and 'Site Access Splay Plan, Dwg 11c' have been submitted as part of the application in response to the highway concerns. Having reviewed the drawings the Highway Authority are satisfied that the concerns regarding access have now been addressed. In light of the above we would offer no objection to the development subject to the revised drawings being attached to any grant of planning consent.

6.9.3 Parking

The submitted plan indicated that two car parking spaces can be provided within the site, there is more land available within the site should more parking spaces be required. The proposal accords with the objectives of policy MV1 of the LDP.

6.10 Flooding

Based on the Development Advice Maps associated with Technical Advice Note (TAN) 15: Development and Flood Risk the site is outside of any allocated flood zone and is therefore unlikely to flood. The MCC database of previous flood events does not record any flood events in close proximity to the site and does not record any drainage or flood assets in close proximity to the site. The application is therefore considered compliant with the requirements of LDP policies S12, SD3 and criterion e) of Policy H8.

6.11 Drainage

6.11.1 Foul Drainage

The application site is in an area served by mains drains and in such areas the foul drainage must discharge to the mains. The applicant has indicated that this is the case. Foul water from both the caravan and day/utility room will be drained to the public foul sewer system as there is a connection point available via the manhole in the triangular area of land adjacent to the southern boundary. Welsh Water have offered no objection to the proposal.

6.11.2 Surface Water Drainage

Surface water from the caravan, day/utility room and the stable block will drain to soakaways. The SuDS Approval Body has offered no objection.

The application has now demonstrated a means of surface water discharge (by proving infiltration rates on the site will support infiltration of surface water). SAB approval will be required prior to any works commencing on site but this would be applied for separately.

6.12 Mineral Safeguarding.

The site is located within a limestone, Minerals Safeguarding Area. Policy M2 of the LDP says that:

Proposals for permanent development uses within identified mineral safeguarding areas will not be approved unless:

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

In this case, the proposal comprises infill development within a built-up area. The site is not suitable for mineral extraction due to its proximity to the M48 Motorway and existing residential properties. The proposal does not therefore conflict with the objectives of policy M2 of the LDP.

6.13 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 SAC's. 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.

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

Councillor Strong objects to the proposal as it represents an incursion into the green wedge between Rogiet Pool and neighbouring settlements and because it is outside the settlement boundary. As explained in the main body of the report the impact on the value of the Green Wedge resulting from this application in officers' views, will be minimal. The application site is fenced off and in private ownership and has never been used for formal or informal sport, recreational or community space. The site has no public access and does not add to the landscape importance of the area. It is surrounded on three sides by roads with residential development to the west. It is true that the site is outside the development boundary but the advice from Welsh Government on this matter is clear when identifying sites for Gypsy and Traveller caravans, local planning authorities should consider locations in or near existing settlement with access to local services such as schools, health services and shops. The Circular identifies the issue of site sustainability as being important. In this case this is a very sustainable location on the edge of a settlement and therefore the proposal accords with the advice given in the Circular. Councillor Strong is also concerned over the stockade style appearance of the site and its impact on the Area of Amenity Importance. Planning officers consider that the close-boarded fence is appropriate in this location especially since the adjoining property has a similar style fence along its boundary. The structures within the site are all single storey and not visually prominent. Councillor Strong The local member also questions the applicant's ultimate aims, but this is not for the planning authority to consider, they must address the application as submitted. Finally, the councillor believes that the proposal is contrary to PPW as it does not provide a high-quality attractive place featuring high-quality design which respects local distinctiveness. The application relates to the provision of a single gypsy plot and the design conforms to the standards outlined in the Designing Gypsy and Traveller Sites in Wales document of the Welsh Government.

Response to Community Council and local residents.

Neighbours note that the application site is outside of the development boundary and the site has not been allocated in the Local Plan for residential use. As explained above Circular 005/2018 exceptions can be made in the case of Gypsy and Travellers sites if there is a realistic need for the site and it is in a sustainable location. Gypsy and traveller sites can be granted outside of settlement boundaries subject to sustainability criteria set out in national planning policy if there are no realistic, suitable sites available within or adjacent to settlement boundaries to accommodate Gypsies and Travellers.

There will be no significant increase in traffic resulting from just one pitch on the site. The Highway Authority have stated that "the traffic generated by the development can be accommodated on the immediate local highway network, namely Minnett's Lane and the B4245 and would not lead to a deterioration in capacity or safety of the network".

Local residents are concerned about noise and smells. It is proposed that the site be linked to mains electricity so there will be no need for generators to be used on the site. There is now no proposal to keep horses on the site so there is no need for a dung heap. No excessive waste will be produced over and above that from any other residential use of similar scale. The site is considered of sufficient size to accommodate one pitch, and this has been demonstrated in the proposed site plan. The fact that work has already started is not a material planning consideration. The stable block has the benefit of planning permission. The site is not in a flood zone identified in the TAN 15 DAM maps and the MCC database of previous flood events does not record any flood events in close proximity to the site. The impact on residential amenity has been discussed in detail in the main body of the report. The submitted plan indicated that two car parking spaces can be provided within the site, while there is more land available within the site should more parking spaces be required. The proposal accords with the adopted parking standards. The devaluation of property prices is not a material planning consideration and there is no reason that the current proposal would affect the water supply to other properties.

The impact on the Green Wedge has been discussed in the main body of the report as have the ecological and visual impacts. The fact that there may have been a previous refusal of planning

permission on the site many years ago is not relevant; the application needs to be considered under current extant policies and Welsh Government advice. This application must be determined on its own merits as will all applications so the proposal will not set a precedent for other gypsy and traveller sites. The current application complies with the advice given in the Welsh Government Circular. There is no reason to think that hazardous materials or scrap will be brought into the site. The fact that the applicants were not included on the latest Needs Assessment is not a justification for refusing the application. The Welsh Government Circular clearly states, "Planning authorities should not refuse applications because the applicant has no local connection."

There are no dimensions on the site plan. The stable to be converted is existing and its dimensions are given in the submitted planning application. The size of the static caravan is defined in the Caravan Act and a touring caravan comes in standard sizes and cannot be controlled. A site Notice was posted at the site on the 18/11/21 and local residents were notified. Neighbours and contributors were re-consulted on the amended plans on the 23rd May 2022.

6.15 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.

6.16 Conclusion

The applicant and his family are accepted as being gypsies. The proposed site is situated in a sustainable location adjacent to an existing settlement, the application therefore accords with the advice given in circular 005/2018. A need has been established for a single-family plot to allow the family access to schools, shops and health care facilities, this proposal will ensure that the need is met. The site is of sufficient size to accommodate the single pitch, in line with the standards outlined in the Gypsy Site Design Document. The site is outside any recognised flood zone. Water and electricity can easily be provided. The principle of a gypsy pitch on this site accords with Welsh Government advice and Policy H8 of the LDP.

The proposal accords with the objectives of policy DES1 of the LDP regarding general design considerations. The site because of its location and small-scale development will not significantly impact on the landscape value of the area. There is no recreational value to the site as there is no public access, the proposal therefore is not contrary to the objectives of policy DES2 of the LDP. Biodiversity enhancements are being provided in line with Policy NE1 of the LDP. The proposal accords with the Council's normal privacy standards for new development. The layout of the proposed development accords with the objectives of 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. The surrounding road network has sufficient capacity to accommodate one additional residential unit and adequate parking provision can be provided within the site; therefore the proposal meets the requirements of Policy MV1 of the LDP.

The proposal is policy compliant and is recommended for approval subject to 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 The occupation of the site shall only be by Gypsies and Travellers as defined in Circular

005/2018 published in June 2018 where Paragraph 2 refers to Section 108 of the Housing (Wales) Act 2014 where Gypsies and Travellers are defined as:

- a) Persons of a nomadic habit of life, whatever their race or origin, including
 - (i) "Persons who, on grounds only of their own or families or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
- b) All other persons with a cultural tradition of nomadism or of living in a mobile home. Shall be stationed at the site at any one time.

REASON: To ensure the site is only occupied by qualifying gypsies or travellers in accordance with Welsh Government Circular 005/2018.

4 There shall be no more than one pitch on the site (as referred to in par.3.37 of Welsh Government's Designing Gypsy & Traveller Sites guidance, May 2015) and no more than one static caravan as defined in the Caravan site and Control Development Act 1990 and the Caravan Sites Act of 1968, shall be stationed at the site at any one time.

REASON: The increase in development would be unacceptable with regards to the amenity of the occupiers of the pitch having regard to policies S13, S17, EP1 and DES1.

5 Any material change to the position of the static caravan or its replacement by another mobile home in a different location shall only take place in accordance with the details submitted to and approved in writing with the LPA

REASON: In order to protect the visual impact on the character and appearance of the application site and wider area in compliance with the LDP policies S13, S17, EP1 and DES1

6 Notwithstanding the provisions of Article 3, Schedule 2, of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure, gates, buildings, containers or other structures shall be erected or brought onto the site other than those expressly authorised by this permission. other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy H4.

7 No commercial activity shall take place on the land including the storage of materials and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

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

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

- o Soft landscape details for strategic landscaping and shall include: planting plan detailing boundary hedges and proposed trees, means of protection, specifications including species, size, density and number of trees and hedge, cultivation and other operations associated with tree and hedge planting and seeding establishment.

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

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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure in accordance with LDP policies LC5, DES 1, S13, and GI 1 and NE1.

10 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall

include details of the arrangements for its implementation including roles and responsibilities. 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 building(s) 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 ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

11. The proposed fence to the front of the site, facing the junction of Caldicot Road and Station Road will be set within the site and behind the identified existing and retained hedgerow as shown on Site Plan 03e. The existing hedgerow shall be retained in perpetuity. Reason: In the interests of the visual amenity of the area in accordance with policy S8 and DES 1 of the LDP.

12. 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 located within the application site until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA. The lighting on site shall be carried out in accordance with the approved detail. 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.

13. The approved 'Site Plan – Drawing no. 03g' (dated 21/06/2022) and 'Elevations – Proposed Day Room – Drawing no. 07a' (dated 08/09/2021) by Hayston Developments & Planning Ltd which illustrates the position of the native planting and wildlife boxes, 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 extension.

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

14. No development, demolition or earth moving shall take place, or material or machinery brought onto the site until an Ecological Construction Method Statement has been submitted to and approved in writing by the local planning authority.

The Ecological 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.

INFORMATIVES

1 SAB INFORMATIVE: Following the implementation of 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 100 m² 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.

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Application Number: DM/2021/01735

Proposal: Retention of domestic garage

Address: 60 Old Barn Way, Abergavenny, NP7 6EA

Applicant: Mr Steve Bull

Plans: Location Plan - , All Existing Plans 21/SB/200 - , Site Plan 21/SB/201 - Rev A, Garage Plans 21/SB/202 - Rev A,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham

Date Valid: 21.10.2021

This application is presented to Planning Committee at the request of the Local Member.

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to the rear garden of an existing two storey dwelling located in Abergavenny. The property is within the Development Boundary of the town as defined under Strategic Local Development Plan (LDP) Policy S1.

The site is within the Phosphorous Sensitive Catchment Area of the River Usk SAC but has no other constraints.

1.2 Value Added

The height of the proposed garage has been reduced by the following:

Original eaves = 2.818m

Revised eaves = 2.358m

Original ridge = 5.723m

Revised ridge = 5.263m

This has resulted in an overall reduction in height of 0.46m

1.3 Proposal Description

The application seeks to regularise a detached double garage that was built larger than consented. As described above, the 'as built' height of the garage has been reduced following objections and advice from Planning Officers.

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

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
EP5 LDP Foul Sewage Disposal

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

Abergavenny Town Council - Recommend refusal, scale of building not in keeping with original planning application, endorse comments submitted by Cllr Groucott.

Natural Resources Wales - 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 Wye SAC.

SEWBReC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Six objections received:

- Privacy has completely been compromised at the rear of my property both on the ground and first floor.
- Unreasonable for this structure to overhang my garage. I also question as to why I should be compromised any control over maintenance of my property.
- Challenge whether adequate drainage has been provided for.
- The property is overbearing and out of keeping with the community.
- The overall proposed size of the structure is out of scale with buildings in the immediate vicinity.
- The dimensions indicate a structure with internal measurements some 7m x 6.5m however, since the applicant has decided to add cement render and then clad the building in natural stone some 300 400cm thick the actual external sizes have been exaggerated.
- The excessive height of the structure towers over neighbouring buildings and whilst the applicant applied for a single storey building it is patently obvious that a second floor will be utilised.
- Existing plan should indicate the location and relationship between the adjacent properties prior to building work being carried out.
- I would suggest the Panel accurately assess the amount of excess rainwater which will be yielded from such a roof area without connection to the mains drainage system and make appropriate recommendations.
- Is it reasonable that one property then has the likely effect of influencing the appearance from now on? How many people will feel tempted to build in their back garden?
- We ask the committee to demand that any building in the garden of number 60 is within the maximum size specified in the original planning permission.

Letter produced by Cllr Groucott signed by eight properties:

- Building looks more like a domestic property than a garage.
- Garage will block views.
- Building should stay the same size as originally approved.

Responses to re-consultation following reduction in height of garage:

- The Planning permission granted for the development in 2019 at 60 Old Barn Way was for a structure basically measuring 6m x 7m (internal) by 4 m high. The now revised proposed size of the structure to be retained at basically 6.4m x 7m (internal still plus the stone cladding) by 5.3m high.
- The cladding literally and visually exaggerates these increases the apparent size of the structure.
- Would an application for sewerage connection at this point in time give concern to the Planning Authority about the possible intended use of the structure at some time into the future?
- The only structure I feel I could agree with and not object to would be a structure some 2.5m maximum height with a flat roof.

5.3 Local Member Representations

County Councillor Groucott - Once again the residents of my ward who live in immediate proximity to this proposed garage have asked for my support in opposing this planning application as their councillor. I am requesting that this application continues to be listed for full consideration by the Planning Committee. My comments below should be taken in conjunction with those in my comments registered on the Portal on 13 December 2021.

I acknowledge that the building has been reduced in scale to a degree and now has a better drainage system. However, if retrospective permission is now granted for this application the building remains far bigger than that for which permission was originally granted in 2019. It might

be taken as a crafty way of 'beating the system' by appearing to submit a plan on a reduced scale. The reality remains that the proposed building remains far bigger than that for which consent was given and out of proportion to other similar rear garden buildings that have gone up in this neighbourhood. It will set a clear precedent by having a major impact on the appearance of the area, impacting on the views over towards the town and the Usk Valley that presently exist for neighbours. I would ask that any permission to build is in line with the original application for this plot, in line with the decision made in 2019.

Previous comments from 13 December 2021:

As the local elected member covering Old Barn Way I would like to refer this application to the Planning Committee for consideration.

The application is being opposed by every neighbour who is directly affected by the proposed development. The scale of the building is out of all proportion with all other similar garages and other buildings that have been erected in the back gardens in this area. It will have a dramatic and unnecessary impact on the street and because of the slope on which it is being constructed its impact to neighbours is exaggerated.

There has been permission for a double garage for some time and the current application has been made retrospectively only when neighbours complained that the building that has been erected far exceeds the maximum size stipulated. The building that has actually been erected is far in excess of the size actually needed for a single storey double garage. The steeply sided pitch of the roof and the dormer windows are such that this building could easily become office, or even residential, property in the future. This would set a precedent that nobody in the neighbourhood, which is a long established residential area, would support.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 The Monmouthshire Supplementary Planning Guidance for Domestic Garages 2013 advises that a double garage to accommodate two cars should have a minimum internal size of 5.5m x 6m, a total area of 33m². The original application approved in 2019 was for a double garage measuring 6m x 7m with a height of 4m to allow roof storage with a roof light. The total area approved was 42m².

6.1.2 The proposed new building is 6.4m x 7m and the total area is 44m². The amended drawings show a reduction in height, cutting back of the eaves trusses away from the south boundary resulting in a building that will be 0.4m wider and 1.263m higher than that previous approved. It is considered that this increase in area and height is acceptable in this urban context. Although the natural stone cladding adds width to the building, it would be unreasonable to penalise the applicant for using traditional materials that will improve the overall appearance of the building.

6.1.3 There are various other existing garages and outbuilding to the rear of the houses on Old Barn Way and the wider local area. These vary in scale and design, and it is considered that the building proposed in this application is not of such an excessive scale to justify refusal on design grounds. The design of the garage is typical of a domestic garage with storage and is appropriate in the context of the main dwelling. Whilst the garage is larger than some other double garages, it is still subservient and subordinate to the main dwelling. As the building is located to the rear of the main dwelling it is not visible from Old Barn Way. Views from Hereford Road are limited by trees. Therefore, there is no significant visual impact on the wider area.

6.1.4 On the basis of the above, the requirements of LDP Policy DES1 are considered to have been met.

6.2 Drainage

6.2.1 Two 2m x 10m deep soakaways have been installed to take rainwater from the roof. This is considered to be adequate for the scale of the building. Further SAB approval will not be required as the building is less than 100m².

6.2.2 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.

6.2.3 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: Development to an existing residential property (e.g. extensions) that does not increase occupancy or the volume of drainage. No foul drainage is proposed as part of this planning application.

6.3 Impact on Residential Amenity

6.3.1 The garage is located at the end of the garden with the main opening facing onto the rear access lane. Due to its use as a garage/store only (no internal steps are proposed to access the upper storage area), the building will not result in a loss of privacy for any neighbouring occupiers. The garage is sited in a densely populated area of Abergavenny but given the nature of the proposal, there is not likely to be any adverse overlooking and no overbearing impact.

6.3.2 The most closely related neighbouring properties to the application site are no. 62 to the north and no. 58 to the south. The garage is approximately 18 metres at an oblique angle from the rear of the neighbour at no. 62 and is at a lower level due to the topography of the area. Therefore the garage has no adverse impact on the amenity of the neighbours at no. 62 in terms of being overbearing.

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6.3.3 The garage is within 1 metre of the common boundary of 58 Old Barn Way. No 58 already has a 9m long garage built on the common boundary. The application garage runs alongside this building and is shorter in depth but higher at the roof ridge. The application garage is therefore screened by the existing neighbouring garage thus having minimal effect on the garden of no 58 and is not therefore considered to be overbearing and does not affect any privacy.

6.3.4 Properties further afield are too far away from the application site to be directly impacted in terms of residential amenity. In terms of loss of a view, notwithstanding that this is not a material planning consideration, a structure with a 4m ridge could be constructed within the garden area without the need for planning consent and wider views to the west are limited by mature trees along Hereford Road, As such, the provisions of LDP Policy EP1 are considered to have been complied with.

6.4 Access / Highway Safety

6.4.1 No changes to the access to the garage are proposed as part of this application.

6.5 Biodiversity

6.5.1 PPW11 requires that all new development provide proportionate net gain for biodiversity. A plan is anticipated showing the measures to secure biodiversity net gain at the site. This would be conditioned to be implemented prior the garage, if approved, being brought in to beneficial use. This would then enable the proposal to be policy compliant (policies S13 and NE1 of the LDP).

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

6.6.1 The fact that the applicant built a larger garage than previously allowed should not prejudice the determination of this latest application which must be considered on its own merits.

6.6.2 Any potentially different (non-domestic) use of the building as a dwelling would require planning consent.

6.6.3 The precedent for rear garages along Old Barn Way has been long established. Any applications for additional garages would be determined on their own merits having regard to the specific details.

6.6.4 Objections relating to the scale of the building and drainage are addressed above.

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 overall increase in the size of the garage in comparison to that previously approved (DM/2019/01627) is considered to be acceptable in terms of wider visual impact (LDP Policy DES1).

6.8.2 The applicant accepted the comments made by the objectors and agreed to make the amendments recommended following consultation with the planning officer on site. This involved a reduction in the scale of the roof. As a result, it is considered that the garage will not lead to a loss of local residential amenity through an overbearing impact or loss of privacy (LDP Policy EP1).

6.8.3 The provision of soakaways for surface water drainage is considered to be adequate for this scale of development. There will be no foul drainage.

6.8.4 Features to provide net gain for biodiversity as required by PPW11 are to be secured via a planning condition.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 The building hereby approved shall be reduced in height at both eave and ridge level in accordance with Drawing 21/SB/202A within 3 months of the date of this permission.

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

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 features to provide net gain for biodiversity as shown on the submitted Biodiversity Enhancement Plan shall be implemented prior to the development, hereby approved, being brought into use and shall be maintained as such in perpetuity.

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.

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Application Number: DM/2022/00557

Proposal: A new car park is to be constructed on land to the south of Severn Tunnel Junction station

Address: Land at Severn Tunnel Junction for creation of car park, Station Road, Rogiet

Applicant: Mr Ian Fisher – Monmouthshire County Council

Plans: CH1201-AMEY-GEN-XX-DR-CH-0101 P01,
CH1201-AMEY-GEN-XX-DR-CH-0102 P06,
CH1201-AMEY-HDG-XX-DR-CD-0501,
CH1201-AMEY-HGT-XX-DR-CE-0601 P01,
CH1201-AMEY-HKF-XX-DR-CH-1101 P01,
CH1201-AMEY-HLG-XX-DR-CH-1301 P02,
CH1201-AMEY-HPV-XX-DR-CH-0701 P01,
CH1201-AMEY-HSC-XX-DR-CH-3001 P01,
T J-AMEY-01 00-Z1-DR-L-001 P01,
ST J-AMEY-01 00-Z1-DR-L-002 P01,
STJ-AMEY-0100-Z1-DR-C-006 P02,
STJ-AMEY-0100-Z1-DR-L-012 P01,
STJ-AMEY-0100-Z1-DR-L-013 P01,
STJ-AMEY-0100-Z1-DR-L-014 P01,
CH1201-AMEY-HKF-XX-DR-CH-1102 P01,
WWE20179 ECIA FINAL,
14480 GEOTECHNICAL AND GEO-ENVIRONMENTAL REPORT,
Green Infrastructure Assets and Opportunities Assessment, Green Infrastructure
Landscape Management and Maintenance Plan,
LANDSCAPE AND VISUAL APPRAISAL,
CEMP CH1201-AMEY-ELS-XX-SP-LS-3005 P01.5,
CH1201 / CH1201-AMEY-GEN-XX-RP-CH-0106,
Water Quality Assessment,
CH1202-AMEY-GEN-XX-RP-CH-0002

RECOMMENDATION: APPROVE

Case Officer: Mr Adam Foote

Date Valid: 12.04.2022

This application is presented to Planning Committee as Monmouthshire County Council are the applicants and Rogiet Community Council have objected; there are also unresolved objections to the application

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a roughly rectangular shaped parcel of land measuring approximately 200m wide and 66m deep positioned to the south of the railway line and the Severn Tunnel Junction station to the south of the settlement of Rogiet. The application site is outside of any defined settlement boundaries and is therefore classified as open countryside. Currently the land was partially laid to compacted stone surface scalplings - stone to dust in form, having previously been used as a yard area associated with the construction of a vehicular bridge that crosses the railway line to the west. Access to the site is gained by the road bridge to the west of the site from Station Road.

The site forms part of the Caldicot, Rogiet, Magor and Undy section of the Gwent Levels; is within an Archaeologically Sensitive Area and is designated in the Monmouthshire Local Development Plan (LDP) as an Area of Amenity Importance. Part of the site falls within the C1 Flood zone as defined by the Development Advice Maps that accompany Technical Advice Note (TAN) 15 - Development and Flood Risk.

1.2 Proposal Description

The application seeks full planning permission for the development of a car park area to the south of the railway line and the Severn Tunnel junction train station.

Plans submitted detail that the development would be capable of providing approximately 172 parking spaces, of which 10 would be dedicated to electric vehicle parking with 5 charging stations installed on the western boundary and a further 16 spaces capable of being converted to EV charging spaces in the future.

Access to the development would be gained via the existing junction and highway leading from Station Road that would be lengthened to provide a principal road on the southern edge of the development. Rain gardens are proposed at the southern end of each block of parking. Pedestrian access to the station would be gained via the existing ramp and bridge on the northern side of the site. The application also includes details of proposals to construct a dedicated pedestrian link between the proposed car park and the station via the railway bridge details of these improvements are outlined on Drg No CH 1202-AMEY-HKF-XX-DR-CH-1102 P02. The construction of this footway link does not require planning consent as it is located on council land and can be constructed under the Local Authorities permitted development rights however it has been outlined that this work will be conducted prior to the proposed car park coming into use.

There is also a future proposal to construct a pedestrian walkway bridge over the railway line which would link the station on the northern side of the train line with the proposed car park. Details of this proposal is provided for context only and it does not form part of this planning application.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/1983/00778	Rear Extension APP_TYP 01 = Full DEV_TYP 05 = Alteration MAP_REF = 346270188020	Approved	29.09.1983
DC/1984/00391	C/U Into Two Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 342650188020	Approved	14.06.1984
DM/2019/00388	Creation of car park.		

Request that Monmouthshire County Council adopts a screening opinion as to whether the proposed works to facilitate a new park and ride facility at Severn Tunnel Junction constitutes Environmental Impact Assessment (EIA).
The proposed railway station layout comprises a 200-space car park and a dedicated access road for buses to drop off and pick up passengers. There will also be provision for active travel and additional cycle storage at the station.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S14 LDP Waste
S12 LDP Efficient Resource Use and Flood Risk
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
MV5 LDP Improvements to Public Transport Interchanges and Facilities
DES1 LDP General Design Considerations
DES2 LDP Areas of Amenity Importance

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11

Technical Advice Notes

Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 15: development and flood risk (2004)
Technical advice note (TAN) 18: transport
Technical advice note (TAN) 24: the historic environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

MCC Highways: No objection, conditions recommended

Highways Officers raise no objections to the principle of the development, concerns were raised over a lack of supporting information in terms of traffic flows which has been addressed through a traffic flow assessment and car park management and maintenance plan. Officers are satisfied that footpath provision meets minimum standards and desire lines from the car park to the bridge. Officers are satisfied that the extension of the footpath on the northern side of the overbridge (where currently missing) provides suitable provision in advance of the new footbridge over the railway being delivered.

Officers are satisfied that the projected traffic flows will not coincide with the peak hour traffic flows on Station Road. They acknowledge the community's concerns however the likelihood of passing traffic will be minimal due to the daily direction of traffic flows, (e.g. all travelling into the carpark in the am and exiting in the pm), in addition it is considered that there is sufficient visibility from both directions to allow for users to wait for passing traffic.

Highways have no grounds to object to the application but request a Construction Traffic Management Plan and that the existing car park shall be maintained during the course of construction.

MCC Drainage: No objection.

The application will require SUDS and the applicant has submitted an application with this regard that was approved 7th September 2021. Therefore there are no objections in relation to surface water drainage.

MCC Landscape /GI: No objection.

The Authorities Landscape and Green Infrastructure Officer responded with no objections to the proposals. The Landscape and Visual Assessment is acceptable, as is the Green Infrastructure Management Plan. A condition is requested in relation to the planting plan referred to in the documents submitted requesting further details of planting and light spill reduction.

MCC Ecology: No objection, conditions recommended.

The relevant information is sufficient to assess the impact on protected species and the overall management of the site. With the measures proposed on the submitted masterplans and the Green Infrastructure Management Plan to secure favourable management of the site, net benefit can be achieved.

Rogiet Community Council: objects.

Please refer to the full response has been provided which can be viewed on the website. For the purposes of this report the points have been summarised below.

The current road bridge to the west of the site raises serious concerns over the safety of pedestrians and traffic due to the width of the bridge (3.4m gradually expanding to 4.3m after 30m and becomes two way after another 50m) There is almost 90m of one way traffic. This is dangerous and causes a hazard to pedestrians and vehicles.

The RCC refer to a study report from April 2011 prepared by Capita Symonds raising concerns over the suitability of the bridge for access to the proposed car park (subject of this application). They state that this report has already rejected the proposed car park as a viable project.

The RCC highlight that Rogiet Primary School is also served by Station Road (a 210 pupil school) this will cause conflict and congestion exacerbated by 172 cars accessing/exiting the car park to the end of Station Road.

The RCC state that there is no demand for two car parks. They refer to a detailed consultation proposing a car park to the north of Severn Tunnel Junction with a capacity for 175 spaces and state that this would be preferable as it avoids Station Road, provides benefits to residents of Rogiet, if both were to go ahead this would provide a total of 367 spaces.

The RCC state that the information is based on out of date traffic flows, and site discrepancies within the data, questioning its validity for the consideration of the application.

The RCC raise concerns over the use of Station Road during construction stating that the construction will breach the human rights of the residents of Station Road. Heavy goods vehicles

and construction traffic will cause harm to the residents' enjoyment of their lives, ability to travel to work and cause congestion. Station Road is not suitable for this type of traffic.

The RCC raise concerns over pedestrian safety in relation to the existing bridge and the proposed improvements are not appropriate. That the proposed footpath will decrease the width of the road and doesn't address the issues that Station Road is currently unsafe for pedestrians. The car park will generate an additional 344 vehicle movements a day causing significant safety issues.

The RCC raise concerns over the consultation of residents online referencing some residents lack of access to view plans online

Glamorgan Gwent Archaeological Trust (GGAT): No objection.

The site has no recorded finds and given the limited scale and current condition of the land there are no adverse comments.

Natural Resources Wales (NRW): Concerns raised; conditions recommended.

NRW raised concerns over Pollution Prevention requesting a condition that no surface water run off associated with this development shall enter Ifton Bank Reen and Pond. NRW raise no concerns in relation to protected species. NRW note that the site is within a flood zone (C1, zone 2 and 3) The FCA demonstrates that the risks and consequences of flooding are manageable to an acceptable level, the development is less vulnerable and that the site would be flood free in all events during the relevant breach scenarios, therefore have no objection.

Network Rail (NR): No objection.

NR raise no objections in principle, but request clarification of drainage out-fall to the western side of the car park. They note that suitable drainage or other works must not be provided within 5 m of the Railway boundary.

5.2 Neighbour Notification

This application was advertised by means of direct neighbour notification and x3 site notices. Five representations have been received, 2 in support and 3 objecting to the proposal with the main points summarised below.

Support

There is a need for a new carpark with enhanced offering, it will encourage more people to use the train for journeys opposed to private cars, will reduce the number of people parking on street in the area.

Objection (including the points made by the Community Council)

The development won't resolve the on-street parking issues in Rogiet, the facility is not needed, the width of the railway bridge is unsatisfactory to support the development, the need is based on out of date information (pre-pandemic), the development will result in disruption to local residents, the proposal is unsatisfactory in terms of pedestrian/highway safety, there has been inadequate consultation as the plans are available online and many residents are older and therefore may not have access to view plans, the carpark was rejected due to viability in a 2011 survey.

5.3 Local Member Representations

None.

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

This application seeks full consent for the development for an additional car park at Severn Tunnel Junction to encourage rail use. The application site is outside of any defined settlement boundary

and is therefore classed as open countryside where there is a presumption against new development 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. Based on the proposal it is evident that none of the above policies are applicable.

However, LDP policy MV5 - Improvements to Public Transport Interchanges and Facilities, seeks to achieve improved facilities for public transport and the integration of all modes of transport, in line with national planning policy, the RTP and Strategic Policy 16. The policy specifies the following:

"Proposals for new or improved public transport facilities, especially at railway and bus stations, will be permitted subject to detailed planning considerations. Such facilities should make provision for modal interchange between walking, cycling, buses and motor vehicles.

Land at or adjacent to existing public transport facilities that has the potential for providing improved facilities will be safeguarded from alternative non-transport development."

Being mindful of the close positioning of the development to the existing train station and the ethos of the development that seeks to enhance modal interchange facilities at the site and encourage the use of more sustainable transport options, in the interest of climate change, the principle of development is considered acceptable and in accordance with Policy MV5 of the LDP, subject to the application satisfying a number of material considerations.

6.2 Place Making/Good Design

The proposed development would introduce an urban feature into an area classified as open countryside however, given the previous use of the land and its current form which is largely laid to hardcore and scalping the development would make use of an area of previously developed land. The site is in close proximity to the urban settlement boundary and railway station; therefore it is considered that the proposed development would be read in the context of the existing built form in the area and not appear as an incongruous feature that is extending into the open countryside. The proposed layout is considered to make efficient use of the land whilst the planting and rain gardens would provide a visual enhancement relative to the existing.

6.3 Biodiversity/Green Infrastructure

The application site primarily comprises a large area of hardstanding, however some of the existing vegetation that surrounds the site would be lost as a result of the proposed development. The landscaping plan as submitted to accompany this development is considered to be sufficient to overcome any concern in this regard. The Council's Ecologist and Landscape/GI Officer have been consulted on this application and no objection has been received from either, subject to conditions.

The Council's Landscape/Green Infrastructure Officer raises no objection on the basis that the development would not have an unacceptable impact upon the landscape character of the area and that the proposed details submitted within the Green Infrastructure Management Plan are acceptable. A £1500 sum has been requested in order to provide improvements to local Public Rights of Way. However given this is an application made by the Local Authority the payment is not considered necessary or appropriate.

The Council's Ecologist is satisfied that the proposed development would not have any unacceptable adverse impact upon priority habitats or protected species within the area. The information as submitted is considered to be acceptable to support the application and with the measures proposed on the submitted Masterplan ST J-AMEY-01 00-Z1-DR-L-001 P01, and the Green Infrastructure Management Plan to secure favourable management of the site, net benefit can be achieved.

NRW have been consulted and raise no objection on the grounds of ecology/biodiversity.

6.4 Historic Environment

The site is located within an Archaeologically Sensitive Area, The Glamorgan Gwent Archaeological Trust has been consulted on this application and raises no objection. Given the former uses of the land and its proximity to the rail line it is considered unlikely that “there is unlikely to be an archaeological restraint to this proposed development”.

6.5 Impact on Amenity

The application site forms part of a wider area of amenity importance designation as referred to by LDP policy DES2. Although the site is accessible to the public given its former uses, its current condition and its location adjacent to the train line it is not considered to positively contribute to the amenity of the area or to be an obviously usable or inviting space. The proposed development includes a new pedestrian path along the southern boundary which would enhance connectivity in the area and a landscaping scheme which would provide an ecological net benefit. Given the overall benefits of the scheme, the enhanced connectivity, ecological improvements and the visual improvements that would be achieved on site would outweigh any harm caused by the loss of the space.

The application site is located approx.150m from the closest residential dwelling and is separated by the rail line. Due to the nature of the use and the amount of distance separating it from the closest residential properties it is not considered that there would be any unacceptable impact upon the living conditions of local residents.

It is acknowledged that the development has the potential to generate increased traffic movements to and from the site, however, based on the information submitted, the area suffers from a parking shortfall resulting in rail users parking on-street which leads to an obstruction of property and is detrimental to those living nearby. The proposed development has the potential to alleviate some of these impacts.

Although the proposal has the potential to increase traffic movements within the area Highways are satisfied that these flows will not coincide with the peak hour traffic flows on Station Road. The impact of this must be weighed up in relation to the benefits that would arise to the wider community in terms of a reduction in pollution and traffic congestion as a result of an increased number of vehicles being removed from the road, as rail users take advantage of enhanced access to the facility, and the amenity benefits to be enjoyed as a result of parked cars being removed from the highway due the current under-provision in the area.

On balance, being mindful of the current context of the area and the traffic flows already experienced it is considered that the detrimental effects generated would be outweighed by the benefits and the development would not be so detrimental to the amenity of the wider area to warrant or sustain a reason for refusal. Based on the above, the application is considered compliant with LDP policies S13, S17, EP1 and DES1.

6.6 Highways / Highway Safety

The proposed development would provide an additional (approx.) 170 spaces for rail users in the area, 10 of the proposed spaces would be Electric Vehicle Charging spaces with the potential to add an additional 16 EVC spaces as demand for such spaces increases. Future Wales advises that Local Authorities should seek 10% EVC spaces as part of new non-residential developments. The initial 10 spaces would fall short of the 17 required however as an additional 16 are able to be converted as demand increases this is considered to be a pragmatic approach that would not undermine the objectives of national planning policy. The site is maintained and owned by the Local Authority who would have a duty to provide these spaces in the future.

No accessible spaces are proposed within the new carpark as this would provide a challenge to users in accessing the station from the opposite side of the rail line, instead additional accessible spaces are proposed within the existing car park which is adjacent to the station. This is considered to be acceptable.

The Local Authority's Highways Department have been consulted on this application and raise no objection regarding highway safety. Initial concerns relating to traffic flows have been overcome by additional information being submitted.

The overall development proposal includes providing a dedicated footway link from the proposed car park to the station as outlined in Drg CH 1202-AMEY-HKF-XX-DR-CH-1102 P02. The improved footpath over the existing rail bridge will improve pedestrian links to and from the site and ensure that pedestrians can access the station from the car park safely. The delivery of this footway link is within the council's gift and it would be a condition of the development that this link is constructed prior to the car park coming into beneficial use. Concerns have been raised over the suitability of the road bridge for pedestrians and vehicles however given this proposed improvement with the creation of a dedicated pedestrian link between the car park and the station the Authority's Highways officers are satisfied that the development proposal is acceptable.

Whilst it is acknowledged that the development has the potential to generate increased traffic movements in the area, it is considered that the wider network has capacity to accommodate the increased traffic flow proposed. Based on the information submitted it is considered that the development would provide an enhanced offering to serve an existing shortfall in provision, helping to reduce on-street parking and the detrimental impact this has on the amenity of the area. It is therefore considered on balance that the development would not have a significantly detrimental effect on the highway safety and free flow of traffic in the area, and is considered compliant with LDP policies S16, MV1, MV2 and MV5.

6.7 Flooding

Due to the nature of the proposal, the development is classified as less vulnerable development. In line with the current DAM of TAN 15 the site is located in a C1 flood zone. In zone C1 less vulnerable development will only be justified if it can satisfy the following tests;

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement or,
 - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained

In this instance the proposed development is a local authority scheme that will provide an enhanced offering, support public transport, assist in reducing cars from the road and provide EVC spaces regenerating an existing railway sidings. The land is formerly developed brownfield land and the FCA as submitted demonstrates that flood risk is not of any unacceptable level. NRW have been consulted and raise no objection in relation to flood risk at the site. On the basis of the above and in light of the consultation responses received, the application is considered compliant with LDP policies S12 and SD3.

6.8 Drainage

The site is positioned outside of the riparian Special Area of Conservation and phosphate sensitive area, with no additional foul water connections proposed as part of the development. It is therefore considered that the development would not generate any increased phosphate outfall and the application is considered compliant with policies S13 and EP5.

As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The SuDS Approving Body (SAB) gave approval for this proposal in September 2021. On the basis the

development would have a sustainable surface water drainage strategy that accords with the national standards, the application is therefore compliant with LDP policies S12 and SD4.

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

The below points received in objection to the proposed development have been set out and answered below;

- *The development won't resolve the on-street parking issues in Rogiet.*

The development will provide additional parking spaces which provides a suitable alternative for the current on-street parking associated with the station. In turn this will alleviate the amount of on street parking that occurs in conjunction with use at the station.

- *The facility is not needed/ the need is based on out of date information (pre-pandemic)*

There has been an identified shortfall in parking provision at the station. It is acknowledged that the data was based on the situation pre-pandemic however in the absence of any contradictory studies this is considered sufficient. Notwithstanding the need this application has been assessed against the policies of the LDP and is considered to be acceptable.

- *The width of the railway bridge is unsatisfactory to support the development.*

The development has been assessed by the Council's Highways Department and deemed acceptable in regards of accessibility and highway safety.

- *The development will result in disruption to local residents,*

It is acknowledged that a level of noise and traffic disruption is very likely during the construction phases, however this will be limited to the construction period. This disruption will then be reduced significantly, resulting from mainly traffic movements over the bridge to the new car park. This disruption has been considered by the Highways officers who are satisfied that the road network can support this and raise no adverse comments. It is not considered that the additional traffic movements to and from the car park, when compared to the existing arrangements are of an unacceptable level that would warrant the refusal of this application.

- *The proposal is unsatisfactory in terms of pedestrian/highway safety*

The proposed development has been assessed by the Council's Highways Department which is satisfied with the proposal in terms of highway/pedestrian safety.

- *The traffic data is insufficient and inaccurate.*

The Traffic Assessment submitted has been considered and reviewed by the Council's Highways Officers who have deemed the information acceptable and sufficient for the consideration of the application. They have no objections to the positive determination of the application on this basis.

- *There has been inadequate consultation as the plans are available online and many residents are older therefore may not have access to view plans,*

The application was advertised by means of direct neighbour consultation and via x3 site notices therefore meeting the publicity criteria. The associated plans and application documentation are fully available online. The application has been publicised in accordance with the Development Management Manual which sets out guidance in relation to the legislation on the publicity of planning application in Wales.

- *The car park was rejected due to viability in a 2011 survey.*

The viability of the overall project would not be a material planning consideration and the proposed development needs to be considered in terms of whether or not the development proposal accords with the Local Development Plan.

- *That there is no need for two car parks*

The overall need for an additional car park is not the subject of this application and the proposed development needs to be considered in terms of whether or not the development proposal accords with the Local Development Plan.

- *That the use of Station Road is not sufficient for construction traffic.*

As with above, Highways Officers are satisfied with the capacity of the highway network to support the development. A Construction Traffic Management Plan is required as a condition of the application which will ensure that construction traffic is managed appropriately.

6.10 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.

6.11 Conclusion

It is considered that the development proposed would not have a significantly detrimental impact on the landscape, biodiversity, historic or visual amenity of the area. Although the development has the potential to generate increased traffic movements, it is considered that the highway network has capacity to accommodate the increased flow. Such a situation will have an impact on the residential amenity of those living closest to the site. However, it is evident that such movements are likely to occur outside of peak hours for the village (as noted by MCC Highways). Moreover, there are wider benefits to be gained from the proposal by enhancing access to a modal interchange facility which would encourage the use of more sustainable transport options and subsequently reduce congestion and pollution in the wider area. On balance, it is considered that the detrimental impacts generated by the proposal would not be so harmful to warrant or sustain a reason for refusal.

The application is considered compliant with the relevant policies of the Monmouthshire County Council LDP and is recommended for approval subject to 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 At no time shall any surface water run-off be discharged to the Ifton Bank Reen or pond identified on plan reference STJ-AMEY-0100-Z1-DR-C-003 Rev P05.

REASON: To ensure surface water run off does not impact on the integrity of the Ifton Bank Reen or pond, in compliance with LDP policies S13 and NE1.

4 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 first beneficial use of 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.

5 The approved CEMP (Outline Construction Environmental Management (CEMP) Severn Tunnel Junction – Car Park CH1201-AMEY-ELS-XX-SP-LS-3005 P01.5 dated 24/11/2021) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

6 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of Highway Safety

7 The existing car park shall be maintained in its current form until the proposed new car park is in full operation, in order to minimise potential loss of parking spaces during the course of construction.

REASON: In the interests of Highway Safety and to ensure there is adequate parking provision to serve the railway station.

8 Prior to any planting or the site coming into beneficial use, full and comprehensive details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

o 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. All grassland meadow mix seed and tree and shrub plants must only include native species of Wales provenance

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

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: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape, Design and Green Infrastructure LDP policies LC5, DES 1, S13, and GI 1 and NE1.

10. Prior to the site coming into beneficial use, all works in relation to the extension of the footpath to the northern ramp of the road bridge as shown on plan CH 1202-AMEY-HKF-XX-DR-CH-1102 P02 shall be completed.

REASON: In the interests of Highways and Pedestrian Safety in accordance with MV1

INFORMATIVES

1 Following the implementation of The Sustainable Drainage (Approval and Adoption) Order 2018 the development will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. 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, please contact the team on SAB@monmouthshire.gov.uk so the records can be updated accordingly.

2 Glamorgan Gwent Archaeological Trust's record is not definitive in the area of the proposal and features may be disturbed during the course of the work. In this event, please contact the Trust on 01792 655208.

3 We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to the Natural Resources Wales website for further details.

4 The proposal will need to ensure the protection of surface water and we draw your attention to the requirements of all CIRIA, Environment Agency, GPPs and PPGs listed in 'Outline Construction Environmental Management Plan - Severn Tunnel Junction – Car Park' by Amey Consulting, document ref CH1201-AMEY-ELS-XX-SP-LS-3005 P01.5, dated 24 November 2021.

5 Network Rail:
SAFETY (WALES)

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

LIGHTING

No lighting during or at the final scheme is to impact on the operational railway.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

6 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.

7 BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 5 April 2022

gan **J Burston BSc MA MRTPI AIPROW**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25.05.22

Appeal Decision

Site visit made on 5 April 2022

by **J Burston BSc MA MRTPI AIPROW**

an Inspector appointed by the Welsh Ministers

Date: 25.05.22

Appeal Ref: CAS-01390-T2D7S1

Site address: Lingfield Cottage, Five Lanes, Caerwent, Caldicot, Wales NP26 5PQ

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stewart Eaves against the decision of Monmouthshire County Council.
 - The development proposed is a granny annex and car port.
-

Decision

1. The appeal is dismissed insofar as it relates to the annex.
2. The appeal is allowed insofar as it relates to the car port at Lingfield Cottage, Five Lanes, Caerwent, Caldicot, Wales NP26 5PQ in accordance with the terms of the application as amended, Ref 20/00140/OUT, dated 11 February 2020, subject to the conditions set out in the annex to this decision.

Procedural Matters

3. I note that the Council has granted planning permission for the 'car port' but refused planning permission for a 'granny annex' and the appellant has only appealed against this refusal. However, the whole of the proposed development as described in the application is before me for consideration.
4. From the information provided, the proposed car port and proposed granny annex are discrete building operations and there is no evidence that this is not the case. Therefore, I am satisfied a split decision may be issued.
5. The Appeal site benefits from planning permission for, amongst other things, a detached garage (planning permission reference DM/2020/01858 refers). The car port which forms part of the appeal before me would be adjoining this garage.

Main Issues

6. The main issues are the effect of the proposed development on:
- The character and appearance of the host property and the surrounding area; and
 - The biodiversity of the site.

Reasons

Character and appearance

7. Lingfield Cottage is a detached property set within a well contained plot. It is accessed via a private drive and is within a rural landscape of undulating agricultural fields and small woodlands.
8. Planning Policy Wales, edition 11 (PPW), paragraph 3.3 states that “*Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.*” Monmouthshire Local Development Plan also reflects this within Policies DES1(c) and H6, which aim to ensure high quality sustainable design and to avoid over-extension of existing rural dwellings and the adverse impact that this has on the character / appearance of the open countryside.
9. The principal elevation of the Cottage, which is visible from the road, is a traditional building, with simple fenestration and proportions, set back in its plot with an extensive garden to the front.
10. The car port would be located close to the lane and clearly visible beyond the boundary hedgerow, its scale would be modest and clearly subsidiary to the main dwelling, and its simple design and external materials would afford it a rustic appearance appropriate to the rural setting. Accordingly, I agree with the Council’s findings that the proposed car port would accord with LDP policies H6 and DES1(c).
11. The existing single-story outbuilding, which is proposed for re-modelling to form an annexe, is located on lower ground to the Cottage. Due to the site’s topography and landscaping the existing outbuilding has a very limited presence when entering the site and from views within the surrounding area. However, given the height and scale of the proposed building it would become a notable feature in the countryside and in winter months would be more visible from the highway.
12. Whilst the proposed level of ‘annexe’ accommodation is relatively modest and the materials would be sympathetic to Lingfield Cottage, due to its design it would have a substantial presence and features which include numerous openings and gable style windows within the roof line giving it more of a domestic appearance. For these reasons the proposal would have a discordant and incongruous impact.
13. Reference has also been made to other similar developments elsewhere in the local area, where the appellant has referred to the Council granting planning permission. I am not aware of the full circumstances of the Council’s previous decisions and those that I saw did not sufficiently alter the character or appearance of the area surrounding the appeal site to justify granting planning permission for the proposal, which would be contrary to the development plan. I am unable to address any claims relating to alleged inconsistencies in the Council’s decision-making processes, but I have found the existence of similar developments elsewhere in Monmouthshire does not outweigh the harm that would be caused by the proposal.

14. To conclude on this first main issue, given the significant harm the proposal would cause to the character and appearance of the appeal site, it would be contrary to LDP Policies DES1(c) and H6 as set out above.

Biodiversity

15. PPW, at paragraph 6.4.5 requires planning authorities to seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. The ways in which enhancement can be achieved will vary from site to site and in scale.
16. No ecological evaluation of the existing outbuilding has been undertaken. It is not therefore possible to fully ascertain its current biodiversity value or opportunities for mitigation. In this respect Technical Advice Note 5: Nature Conservation and Planning (TAN 5) states, at paragraph 6.2.2, that *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."* Furthermore, no opportunities for biodiversity enhancement have been put forward by the appellant.
17. The proposed carport would be a new structure, which has the potential for biodiversity enhancement, such as bird boxes or insect hotels. This is a matter which could be controlled by a suitably worded condition.
18. Accordingly, the proposed Annex is contrary to LDP Policies S13 and NE1, which, amongst other matters, establishes that development proposals should protect, positively manage and enhance biodiversity and ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

Other Matters

19. I acknowledge the appellant wishes to provide additional living space at the property. Whilst I am sympathetic to the appellant's personal circumstances, I remain to be convinced that there are not alternative ways of addressing these issues which would be less harmful. Accordingly, the personal circumstances identified do not outweigh the harm the proposal would cause to the character and appearance of the area.
20. I note the comments pertaining to the length of time the Council have taken to make a decision. Nevertheless, the Council's administration of the application is not a matter for me to judge under this appeal, which has been based on the merits of the case and evidence in front of me.

Conclusion

21. For the reasons given above, I conclude that the appeal should succeed in relation to the carport, subject to the conditions set out in the annex to this decision.
22. However, in relation to the annex, the appeal should be dismissed. Having considered all matters raised in support of the development, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole and would also conflict with PPW.
23. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in

accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

J Burston

Inspector

ANNEX

Conditions attached to appeal reference: CAS-01390-T2D7S1

- 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 hereby permitted shall be carried out in accordance with the following approved plans: Plan No 1 (Location Plan); Plan No 10 (Block Plan Proposed Car Port); and Plan No 11 (Proposed Car Port).
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

- 3) Prior to construction works commencing on the carport, the materials and finishes of the external surfaces of the walls and roof of the carport hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.
REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 4) Prior to construction works commencing on the carport, details of bat and bird mitigation (to include location, position and specification) to be provided as part of the development or within the wider garden shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be provided prior to the first beneficial use of the development 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 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1

END