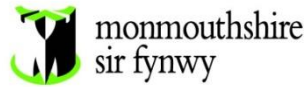


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 25 July 2022

Notice of meeting:

Planning Committee

Tuesday, 2nd August, 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 - 12
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	DM/2022/00518 - A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling Church Cottage, Bayfield Road, Mounton, Monmouthshire, NP16 6AF	13 - 20
4.2.	DC/2021/00791 - A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling (Conservation Area Consent) Church Cottage, Bayfield Road, Mounton	21 - 26
4.3.	DM/2022/00699 - To modify condition number 6 of planning permission DC/2007/00551 1 Conygree, Pill Row, Caldicot, NP26 5JD	27 - 32
4.4.	DM/2021/00037 - Erection of one detached, two-storey house in part of garden with associated access and parking (Outline planning permission)	33 - 42
4.5.	DM/2021/0173 - Retention of domestic garage	43 - 50

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.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote
attendance on Tuesday, 5th July, 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, Jayne McKenna, Maureen Powell, Sue Riley and
Ann Webb

County Councillors Martyn Groucutt and Peter Strong attended the
meeting by invitation of the Chair.

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Amy Longford	Development Management Area Team Manager
Joanne Chase	Solicitor
Mark Davies	Highway Development Manager
Richard Williams	Democratic Services Officer

APOLOGIES:

None received.

1. Declarations of Interest

None received.

2. Confirmation of Minutes

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

3. 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.

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with an additional condition that the height of the hedge to the front of the boundary should be maintained at a minimum of two metres in height.

The local Member for Rogiet, attending the meeting by invitation of the Chair, outlined the following information:

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- The report refers to legislation which places an obligation on the Authority to consider such applications. Consider does not mean approve.
- The local Member has liaised with residents who live near the site and has liaised with Rogiet Community Council.
- Rogiet Community Council has presented several objections to the application.
- The application refers to a large static caravan and a block built stable which replaced a wooden stable. No horses have been kept on the site since the stable had been built.
- The block built stable is to be converted into a day room which is a permanent extension to the static caravan. There are also connections to the main sewer which the local Member considers to be a permanent arrangement.
- The local Member considers that approval of this application will result in a permanent residential site.
- Previous attempts to develop the site have been rejected as applications have laid outside the terms of the Local Development Plan (LDP). Protections provided by the LDP must be considered.
- Whilst the area in question is not a part of the green wedge it has been a part of the rural vista.
- The Landscape Green Infrastructure holding objection from December 2021 was quoted. It was considered that the matters raised in this objection had only partially been mitigated by amendments to the original application.
- The applicants had proposed the same site as a candidate site for housing under the revised LDP suggesting that it would be easier for the applicant to obtain approval for housing development.
- It was considered that each application stage is a way to obtaining permanent housing on the site. However, the report of the application dismisses this as irrelevant. Concern was expressed whether the application was a legitimate application for a family home or whether it was a speculative venture aiming to cash in on the housing market.
- It was considered that the applicant was exploring options with a view to maximising the land as a planning asset.

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

- There is a need for legal traveller sites within the County.

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- This is a small site with one caravan, one touring pitch and a day room.
- The site has utilities such as mains water and electricity.
- The site is well screened with a laurel hedge and a panel fence which would not create a detrimental visual impact from the road or the surrounding area. The hedge should be maintained as laurel or be replaced with a hedge that does not leaf drop. Advice from the ecologist could be sought regarding this matter. Officers could look at amending the landscape of the plans.
- The nearest property to the site will retain its privacy due to the orientation of this property.
- If approved, the height of the hedge should be maintained to the minimum height of two metres, as identified.
- With regard to the access, the applicant had submitted amended drawings that meet the requirements of the Highways Department. The existing access will be altered accordingly and accord with current standards, should the application be approved.
- With regard to the drainage, if the public sewers are available in the nearby lane or via the B4245, Welsh Water has a duty to enable connection for residential properties. Therefore, the applicant will have a right of entry onto the public sewerage system. It was noted that Welsh Water will be connecting the site to the public sewerage system.
- The Head of Planning informed the Committee that a condition could be added that the amended scheme access is erected prior to the beneficial use of the site.

It was proposed by County Councillor J. McKenna and seconded by County Councillor A. Webb that application DM/2021/01695 be approved subject to the conditions outlined in the report with the following additional conditions:

- The height of the hedge to the front of the boundary should be maintained at a minimum of 1.8 metres in height in perpetuity.
- Specifications of the landscaping will be submitted in relation to the species of hedge.
- Hedging and access will be constructed in accordance with the approved plans prior to the beneficial use of the site.

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

In favour of the proposal	-	12
Against the proposal	-	1
Abstentions	-	0

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The proposition was carried.

We resolved that application DM/2021/01695 be approved subject to the conditions outlined in the report with the following additional conditions:

- The height of the hedge to the front of the boundary should be maintained at a minimum of 1.8 metres in height in perpetuity.
- Specifications of the landscaping will be submitted in relation to the species of hedge.
- Hedging and access will be constructed in accordance with the approved plans prior to the beneficial use of the site.

4. 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.

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

The local Member for Rogiet, attending the meeting by invitation of the Chair, outlined the following information:

- Small changes to the scheme have been made in response to concerns raised, notably, a commitment to improve pedestrian safety over the road bridge that crosses the railway line.
- Many of Rogiet Community Council's concerns remain.
- The key issue is that the proposed car park is located in the wrong place. Being south of the railway it does nothing to draw traffic away from the heavily populated Station Road and can only be reached over a very narrow road bridge. Traffic leaving the NCP car park uses a three-way junction with poor visibility creating a danger of collision.
- In the report of the application, it states that the overall need for an additional car park is not the subject of this application on the grounds that the report only needs to consider whether this scheme meets the planning criteria in terms of the Local Development Plan (LDP). However, a significant part of the report attempts to justify the scheme on those grounds putting a case forward that additional spaces are needed in order to minimize on street parking.
- It was considered that on street parking is not a product of insufficient spaces within the existing car parks. Some motorists are unwilling to pay for parking and therefore park on the street. There are currently plenty of parking spaces available. It was noted that on previous visits to the car parks in this area, there

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were many spaces available with about half the spaces in both car parks being empty.

- The need for additional car parking spaces seems to be predicated on the view that there will be significant growth in the use of the station. This is unproven. The forecast for growth was made before the pandemic and could not take into account that more people are now working from home.
- The report of the application states that there is an absence of contradictory studies. This is because it is too early to tell. It will be some time before proper studies can be undertaken to identify long term trends in either direction.
- This proposal in relation to other schemes – The Magor Walkway station is likely to come to fruition in the near future. There are also proposals for stations in east Newport and elsewhere, all of which will take passengers away from Severn Tunnel Junction.
- The local Member quoted section 6.1 of the report of the application. It was considered that this was an excessive assessment of the proposal which is just a car park.
- The application does nothing to encourage the desired interchanges between walking, cycling and buses and would only encourage more modal interchange between cars and trains if it is accepted that more car parking spaces were needed initially.
- A better scheme is being proposed by Transport for Wales for the link from the M48, M4 and B4245 to the north of the station which would draw traffic away from Station Road and also away from other areas of Rogiet itself.

In response, the Head of Planning informed the Committee:

- With this proposed development there is a need to look at Welsh Government's vision in terms of the transport strategy across Wales and across the Cardiff Capital Region in terms of the shift towards more sustainable modes of transport. The proposed development enables this to occur across the wider region.
- There is a pedestrian link from the car park to the train station to the north.
- There are wider proposals which are not part of the planning application but there is a proposal to produce a footbridge at a later stage which would be subject to further planning consent and funding requirements.
- As part of the road safety audit officers are exploring ways to widen the road or create priority access in either direction at the point where the road narrows. Overall, the Highways Department has no objections to the proposed development.

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The Highway Development Manager informed the Committee that the Highways department is unable to support an objection to this application.

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

- There is a problem getting traffic into Severn Tunnel Junction Station via Rogiet. A previous scheme had been looked at with a view to having a link to the car park via the M4 Motorway with a footbridge being created. The aspirations of Caldicot, Rogiet and Magor has been to have a link from the M48 Motorway onto the B4245 linking with the Severn Tunnel Junction with a view to avoiding traffic having to access Rogiet village centre. Concern was expressed that private sector funding for the application was not coming forward. It was considered that this development was not required.
- An expansion of the site with the Metro plans and the increase in rail users means that more parking provision will be necessary.
- The site has been deemed suitable by officers.
- Planning permission for the car park is required before funding can be obtained to provide the footbridge. This will alleviate concerns regarding street lighting.
- If approved, the development will aim to alleviate the on-street parking problems that are occurring.
- By 2030, the sale of petrol and diesel vehicles will cease. There are 26 Electrical Vehicle (EV) charging points proposed. However, it was considered that this might not be enough considering that capacity of the proposed car park is for 172 vehicles. A mixture of rapid and slow charging points might be required.
- Questions were raised regarding whether solar power could be used to light the car park. Also, whether disabled and child places would be available as well as having bicycle racks in the car park to encourage active travel.
- In response to issues raised, the Head of Planning informed the Committee that with regard to EV charging it is a Planning policy requirement via Planning Policy Wales (PPW) that 10% of car parking schemes will provide EV charging provision. This scheme currently has 26 EV charging points proposed. However, a condition could be added to the application that 10% of the parking provision be EV charging. There are no current plans to provide solar lighting for the car park. Disabled Parking provision would be decided via Network Rail and NCP on the northern side of the car park. With regard to the car park, the proposed development needs to be considered on its own merits. Any other potential developments regarding the car park may still come forward via the planning application process.
- The car park lighting will be low level to keep light pollution to a minimum.

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- There is no provision in the landscaping plans for bicycle racks provision. This provision would not be appropriate for this site. However, Network Rail could be canvassed to provide this facility in the northern car park where it would be more accessible and more likely to be used.
- In response to concerns raised regarding the access road, the Highway Development Manager informed the Committee that the road safety audit will be undertaken outside of the Planning process. This is currently ongoing and matters relating to lighting will be looked at via this process. With regard to the junction, safety data indicates that there have been no recorded accidents in the previous 23 years.
- Commuter traffic will be already be parked in the proposed car park and will not coincide with morning or afternoon school traffic.
- Monmouthshire County Council will manage the car park.
- By approving the application and providing the car park with 172 parking spaces, this will go towards moving the modal shift in line with Welsh Government's Public Transport strategy to move away from private vehicle use.
- The proposal delivers on providing sustainable transport and has been evidenced not to have a harmful impact on highway impacts with the dedicated pedestrian link and the road safety measures that have been outlined.
- A safe, well-lit pedestrian route through the car park is required.
- Monmouthshire County Council Transport officers are promoting the proposed scheme.
- The SuDS application has been approved.

It was proposed by County Councillor J. Butler and seconded by County Councillor B. Callard that application DM/2022/00557 be approved subject to the conditions outlined in the report with an additional condition that 10% of the parking provision has Electric Vehicle (EV) charging points.

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

In favour of the proposal	-	13
Against the proposal	-	2
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2022/00557 be approved subject to the conditions outlined in the report with an additional condition that 10% of the parking provision has Electric Vehicle (EV) charging points.

5. Application DM/2021/01735 - Retention of domestic garage. 60 Old Barn Way, Abergavenny, NP7 6EA.

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

The Committee was informed that the proposed plans show no overhang of the roof. Therefore, if the application was approved the roof would be removed, the height of the walls reduced and a new roof would be installed which should be in compliance with the plans presented with no overhang.

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

- There is a considerable overhanging of the roof which drains directly into the next-door neighbour's rear garden.
- The design indicates no overhang of the roof. The previous design also indicated no overhang of the roof.
- Concern was expressed regarding the drainage arrangements. If approved, the report of the application refers to there being a 10 metre deep soakaway being built. However, there is no evidence of a soakaway of this size having been built.
- The whole street is affected by the development and had asked to meet with the local Member and had requested that he write a letter of objection on their behalf.
- Concern was expressed that a precedent might be set. A similar retrospective application in the street under a previous administration had been refused and the building had subsequently been removed.
- For this site an application had been approved for a 'regular' sized garage and there had been no objection to that application. However, what was actually built was very large. Therefore, a retrospective application has been presented to the Planning Committee in which the garage is 40% bigger than the building that had obtained the original planning permission.
- The local Member considers that a compromise would be to allow the garage but with a flat roof.

In response, the Development Management Area Team Manager informed the Committee:

- The overhang is not shown on the proposed plans before the Committee today.

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- There will be gutters on either side with down pipes to accommodate drainage. The storm water will be controlled via a 45-gallon storage container at each end of the garage for garden use. The container overflow is to feed into a three-metre-deep soakaway.
- In terms of setting a precedent, every planning application must be considered on its own merits.
- The application is retrospective, but the Committee is required to consider the application as if the development was not in place and base its decisions on the application and plans presented.
- The option of a flat roof is not part of the application being presented to the Committee.

Mr. M. Turnbull, objecting to the application and representing objectors, had submitted a written statement in respect of the application which was read to the Planning Committee by a Planning Officer, as follows:

'I write to completely object to the structure proposed in application numbered DM/2021/01735.

The overall proposed size of the structure will still be out of scale with buildings in the immediate vicinity and since this is a retrospective application my objection is plain to see since the structure exists now. There is an assumption that the structure's dimensions are as indicated on drawing supplied which I herewith question. I would also point out that these "dimensions" indicate a structure with "internal measurements" some 7,000cm x 6,400cm. 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 by another 15 - 20% at least. The original permitted internal measurements were only 6,000cm x 7,000cm with a height of some four meters.

Currently, standing at some 5.7 metres high the excessive height of the structure towers over neighbouring buildings and whilst the applicant applied for a single story building it is obvious that a second floor will be utilized. This is the only logical reason for the acute angle which has increased the overall internal usable height as opposed to a more obtuse angle which would have reduced the overall impact of the build. The suggested reduction in overall height of some 400mm (16") is ridiculous. It would appear that the applicant proposes to remove the acute roof trusses, remove a course (or two) of blocks and then replace the acute roof trusses and associated tiles. This will do little to address the imposing visual height and impact of the structure.

Submitted drawing 21/SB/202A indicates the main beam height as 2540mm but not taking into account the concrete slab that forms the base. This gives a false impression of the measured height.

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Given the roof area, I am also astonished the original planning was allowed when only a water butt or 45-gallon container at each end. A little online research indicates a roof area of the approximate current size would yield some 126,000 litres of rain water per annum. I understand drainage soakaways some 10metres (30 feet) deep have now been adopted in March 2020 but would be interested if Building Control was consulted during their installation to check depth and methods. Was the soak away 3m or 10m in depth?

I note that officer Kate Bingham has recommended approval for this application.

In citing a mere 1.262m increase in height from the original planning permission in section 6.1.2. I would also point out this could be expressed as a 34% increase in the height from the original permission granted.

Section 6.1.3 refers to “other existing garages and outbuildings” in the near vicinity to the rear of Old Barn Way. I have measured all and not found one that exceeds 3.5m in overall height, ergo, the proposed altered structure will be some 75% taller than any of these comparable.

I object most strongly to approval of this planning application and request the committee reject the application.’

Mr. S. Bull, 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 the committee to take note of the following inaccuracies in the Planning Committee report that Councillor Groucutt / objectors have stated and to note my response on the planning portal site.

5.2 Neighbor Notification:

1. The actual stone is 200mm (8”) and not 300-400mm.
2. I understand that there is no maximum size although there is a minimum as per the Monmouthshire Supplementary Planning Guidance for Domestic Garages 2013 and therefore each application should be treated on its own merits.
3. The new ridge height proposed will be 5.263m and not 5.3m.
4. The Garage does not block any views as described.
5. The application resembles that passed in 2019, a garage with storage, the only difference is the ridge height is higher than that for a permitted outbuilding.
6. The committee to note that not every neighbour is affected by the proposed development as described by Councillor Groucutt. The next door neighbour, number 62, have raised no objections or signed any petition. They have no issues.’

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

- The garage is a household planning application for domestic use only. The only acceptable uses for the garage would be auxiliary to the main house.
- There is a condition whereby the applicant is required to reduce the roof measurements outlined in the report within three months of planning consent being given. If the Planning Committee is not minded to approve the application, the Committee has the original planning consent which has already been approved.
- The garage is very big. The applicant had planning permission for a garage of four metres in height but decided to build a garage that is almost six metres in height. Concern was expressed that this has been distressing for the neighbours.
- Some Members considered that it would be appropriate to not approve the application and the that the applicant adheres to the original planning consent that has been granted.
- If the application is approved, the height of the garage will be reduced by half a metre with the pitch of the roof remaining in its current form.
- The garage has a large footprint and was considered to be too large.

In response, to questions raised the Development Management Area Team Manager informed the Committee that:

- The garage is for domestic use only so any other use would require planning permission.
- The roof lights were part of the approved scheme.
- No part of the development is to project past the boundary line between the properties.
- The footprint is similar to that which has already been approved.

The local Member summed up as follows:

- The applicant has permission for a garage that would be in scale with every other garage in the area.
- This is a residential application with a very large garage.
- The local Member asked that the Planning Committee considers refusal of the application and refer back to the original planning application which has already been approved by Planning Committee.

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It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Easson that we be minded to defer consideration of application DM/2021/01735 to allow officers to liaise with the applicant regarding the height of the garage. If the applicant decides not to amend the scheme, the application would be re-presented to the Planning Committee with a recommendation for refusal with appropriate reasons, namely, the visual impact on the street scene.

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

For deferral	-	8
Against deferral	-	7
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2021/01735 to allow officers to liaise with the applicant regarding the height of the garage. If the applicant decides not to amend the scheme, the application would be re-presented to the Planning Committee with a recommendation for refusal with appropriate reasons, namely, the visual impact on the street scene.

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

6.1. Lingfield Cottage, Five Lanes, Caerwent, Caldicot

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Lingfield Cottage, Five Lanes, Caerwent, Caldicot on 5th April 2022

We noted that:

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

The meeting ended at 4.19 pm.

Application Number: DM/2022/00518

Proposal: A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling

Address: Church Cottage, Bayfield Road, Mounton, Monmouthshire, NP16 6AF

Applicant: Mr & Dr Martin Hall

Plans: 238_120, 238_121, 238_122, 238_123, 238_124, 238_130, 238_131, 238_132, 238_133, 238_134 238_135, HERITAGE IMPACT STATEMENT FEB 2022, DESIGN AND ACCESS STATEMENT 1, DESIGN AND ACCESS STATEMENT 2, BAT REPORT (Sylvan Ecology), FCA Version1 by JBA, FCA Additional Info (HB\GRY-JBAU-XX-XX-LT-Z-0001.docx), TREE SURVEY & ARBORICULTURAL IMPACT ASSESSMENT 2022.

RECOMMENDATION: APPROVE

Case Officer: Adam Foote
Date Valid: 05.04.2022

This application is presented to Planning Committee upon request of the Local Ward Member. The Conservation Area Consent relevant to this application is also being reported to this committee

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a detached dwelling sited to the east of Bayfield Road, Mounton. The property is of a traditional design and sited at a lower level than the road. The building is outside of any defined settlement boundary, within the AONB, Mounton Conservation Area and within a Cadw registered Historic Park and Garden. The application site is within close proximity of Mounton House Estate which comprises a group of listed buildings and structures. There is a tree within the site covered by a Tree Preservation Order. The site is within a C2 Flood Zone as shown on the Development Advice Maps (DAM) that accompany TAN15.

1.2 Proposal Description

This application seeks consent for a replacement dwelling on the site as the existing property regularly floods. The property is not currently occupied due to previous flooding damage resulting in the occupiers having to vacate. The proposed property is designed to prevent future risk of flooding of the dwelling. The replacement dwelling is proposed with a contemporary design and would be sited within the same general area as the existing dwelling. The scale, design and position of the development is illustrated in full on the submitted drawings.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2019/00417	1 - Crown lift 2-3m to yew tree at boundary wall (TPO MBC 11/G3) 2 - Removal of 2 lowest branches from ash tree (TPO MBC 11/G2) 3 - Crown lift by 2-3m to two yew trees with side of St Andoenus Church (TPO MBC 11/T8 and T9)	Approved	09.04.2019
DM/2020/01208	Demolition of existing porch and erection of single storey extension to existing dwellinghouse.	Withdrawn	09.03.2021
DM/2020/01253	Removal of Ash tree, with severe die back overhanging Church Cottage.	Approved	09.09.2020
DM/2022/00791	CAC - A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
GI1 LDP Green Infrastructure
H5 LDP Replacement Dwellings in the Open Countryside
HE1 LDP Development in Conservation Areas
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage

Supplementary Planning Guidance

LDP Policies H5 & H6 Replacement Dwellings in the Open Countryside and Extension of Rural Dwellings SPG April 2015
Green Infrastructure April 2015

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11
The Planning (Listed Building and Conservation Areas) Act 1990
Technical Advice Note 12: Design
Technical Advice Note 15: Development and Flooding
Technical Advice Note 24: Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Mathern CC: Councillors considered the above application at their meeting on 14th April 2022 and although recognising the flooding issues posed at this site and architectural merits of the proposed dwelling it was felt that it was the wrong building for this location. The current cottage sits subserviently in its conservation area with Mounton Church at present but the proposed building does not. The proposal does not blend in complement or reflect the local vernacular and its proportions and lines are at odds with the other dwellings in the hamlet of Mouton. The materials proposed similarly are at odds to those elsewhere within the conservation area and hamlet. For the above reasons this Council would recommend refusal.

MCC Tree Officer: Objection overcome.

MCC Drainage: No objection, informative requested.

Highways: No objection, informative requested.

Cadw: No objection.

DC-WW: No objection.

NRW: No objection.

5.2 Neighbour Notification

This application was advertised by means of direct neighbour notification and a site notice. One objection has been received raising concern over the proposed design and finish of the proposed dwelling and its impact upon its surroundings. The objector noted the need for a replacement dwelling on the basis of flooding.

Five comments have been received in support of the proposed development praising the design and finish.

5.3 Local Member Representations

The Local Member has requested that the application is reported to Planning Committee raising concern over its design/visual impact within the setting.

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

6.0 EVALUATION

6.1 Principle of Development

The application site is outside of any settlement boundary and is therefore classified as open countryside where there is a presumption against new development unless it is for an acceptable rural use. However, as the land benefits from an existing lawful residential use no objection is

raised in this respect. LDP Policy H5 is relevant as it relates to replacement dwellings in the countryside and provides a number of criteria for such applications to be considered against. In this case the proposed development is considered to comply with the criteria of the policy therefore no objection is raised in this respect. Additional detail relating to the criteria is detailed within later sections of this report. As the proposal is for a replacement dwelling there is no requirement for a contribution towards affordable housing to be made.

The site is within a C2 flood zone as identified by the Development Advice Maps that accompany TAN 15, the use is classified as highly vulnerable, however, as the proposed development would not increase the existing level of vulnerability on the site or intensify the use then no objection is raised to the principle of the development in this respect, additional details relating to flood risk will be covered in a later section of this report.

6.2 Sustainability

The application site is outside of any defined development boundary where development is strictly controlled. As the property is existing and the application would not result in the intensification of the use any impact relating to sustainability would be unchanged and therefore no concern is raised in this respect.

The proposal includes a number of features including "high performance insulation combined with a high degree of airtightness being integrated into the proposed structure design and construction. The use of renewable and FSC traceable materials within the construction. A-rated efficiency windows offering optimal levels of ventilation and natural daylight. An air-source heat pump is proposed to provide low carbon heating. An underfloor heating system will be suitable for operating at lower temperatures, thereby optimising the efficiency of the ASHP. Low energy LED internal lighting. The incorporation of a wood stove into the system of heat provision. A car charging point is to be located within the driveway area", all of which are considered to contribute positively towards the sustainability of the site, improving on the existing situation.

6.3 Place Making/Good Design

The application site is within the AONB and within the Mounton Conservation Area with part of the site falling within the designated historic park and gardens, the property is noted for its social value due to its former resident Henry Avray Tipping, a notable garden designer and architectural editor of Country Life who extended and renovated the original property in 1908. The existing dwelling adopts a traditional design/aesthetic however it is not considered to make such a positive contribution to the visual amenity of the area that its loss would be of significant concern. The property has benefited from a number of additions/ alterations that have eroded its original character with significant additional damage being caused by flooding in recent years. The property is not listed and therefore does not benefit from the protection afforded to listed properties. Given its location, careful consideration has been given to the impact of the proposal upon the amenity and character of the area. The proposed design adopts a contemporary aesthetic and is considered to be of a high quality. The scale, form and siting of the proposed dwelling is considered to be appropriate for the setting avoiding any unacceptable adverse visual impact that would warrant concern or that would be harmful to the special character of the Conservation Area or to the setting of historic assets nearby. The majority of the built form would be set back from the road therefore allowing the structure to easily assimilate into its setting and would reduce any visual impact when viewed from the public realm. The materials as detailed within the submission are considered to be acceptable and the use of natural, locally sourced materials is considered to further enhance the design and support the place making objectives as set out by PPW11. It is considered necessary for details/samples of the external materials to be submitted for approval by the planning authority prior to commencement of the development. The Council's Heritage Officer has been consulted on this application and has raised no objection.

6.4 Biodiversity/Green Infrastructure

The application site is within an area of rural character and is surrounded by mature woodland and additionally given its proximity to the watercourse the site has the potential to be used by bats. A

bat survey has been undertaken to support this application, the level of detail within the survey has been deemed acceptable by the Council's Ecologist who raises no objection to the proposal subject to conditions. NRW have raised no concern in relation to protected species in this matter.

Due the number and proximity of mature trees on the site an Arboricultural Method Statement (AMS) has been submitted in support of the application. Following concerns raised by the Council's Arboricultural Officer an updated AMS has been submitted and is considered to have overcome the initial concerns raised.

LDP policies NE1 and G11 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change; in this instance a green/living roof is proposed over the garage, this is considered to be sufficient to meet the objectives of the aforementioned policies and section 6 of The Environment Wales Act.

6.5 Historic Environment/ Landscape

The application site is located immediately adjacent to the grade II registered historic park and garden at Mounton House (PGW(Gt)8(MON)) and the gardens of Church Cottage are partly within the registered area, having been laid out around Mounton Brook by Henry Avray Tipping in 1908. The level of the ground floor and access to the property needs to be raised in order to address risk from flooding. This is considered to be an acceptable justification for such works and is not considered to have any unacceptable adverse visual impact that would be harmful to the surrounding landscape or historic environment. The proposed design has been carefully considered to ensure its physical and visual relationship with its setting and neighbouring buildings is acceptable. Cadw have been consulted and raise no objection to the proposed works and no concern to the impact of the development upon the special character of the area or the historic assets nearby.

6.6 Impact on Amenity

The proposal is considered acceptable in regards of its scale and design and will provide a positive contribution to the amenity of the area which would not prejudice the general character of the area or the existing dwelling house. Due to the scale of the proposal and its relationship with nearby dwellings it is not considered that there would be any unacceptable impact upon the living conditions of neighbouring occupiers or conflict with the relevant criteria of LDP policies DES1 or EP1.

6.7 Highways

The proposed development would utilise the existing vehicular access point and provide parking provision in line with the Council's adopted standards. The existing access is proposed to be widened slightly which has been noted as an improvement by the authority's Highways Department. No objection is raised in terms of highway safety and the application is considered to comply with LDP Policy MV1.

6.8 Flooding

The application site is within a C2 flood zone as shown on the DAM that accompany TAN15, C2 zones are areas of the floodplain without significant flood defence infrastructure. The proposed development is classified as highly vulnerable with the TAN stating that in such areas "only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered". However, given that the property is existing, and the proposal would replace one

dwelling with another, the level of vulnerability would not increase from the existing situation. Therefore there it is not considered justified to apply the tests as set out within section 6 of the TAN. The Flood Consequence assessment submitted to support this application has been deemed acceptable by NRW to overcome any concern in relation to flood risk on the site. NRW raise no objection to the proposed development on flooding grounds. As the FCA has demonstrated that flood risk is acceptable no objection is raised on this basis.

6.9 Drainage

Due to the scale of the development it is likely that SuDS approval will be required although this is a separate consent that will not impact upon the outcome of this application. The Council's Drainage Officer has been consulted on this application and raises no objection but has requested that an informative relating to SuDS is attached to the grant of any application.

DC-WW have been consulted and raise no objection to the proposed development subject to a condition/ advisory note. Further to their initial comments it has been verbally discussed and agreed that no public foul sewer crosses the property, no written comment to this effect has been received. Regardless of the comment relating to a sewer crossing the site this is a matter that falls outside the remit of the Town and Country Planning Act and would not impact upon the outcome of this application.

6.10 Response to the Representations of Third Parties and the Community Council

The community council, local ward member and one member of the public have raised concern over the contemporary design and finish of the proposed development and its impact upon its setting. Design is subjective and guidance from Welsh Government in relation to design is found within TAN 12 which states local authorities "should not impose architectural styles or particular tastes but should secure good quality design as applied to the local context (local distinctiveness)". The design and impact upon the character/setting of the area has been addressed in an earlier section of this report and is deemed to be acceptable.

6.11 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.

6.12 Conclusion

Having regard to the policy context above, the proposal is considered acceptable and the application 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 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

4 Samples of the proposed hard landscaping, stone and timber including finishes to be used in the external surfaces of the development shall be submitted to and approved in writing by the local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area.

5 Details of the proposed green/living roof to be constructed on the garage shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity in accordance with PPW11, Future Wales, The Environment Wales Act and Policies GI1 and NE1 of the Monmouthshire Local Development Plan.

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

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

7 No development, demolition, earth moving shall take place or material or machinery brought onto the site until a protected species (bats) construction method statement has been submitted to and approved in writing by the local planning authority. The purposes of the method statement shall be:

1. To provide details of how buildings will be demolished; and
2. To provide measures to reduce impacts on commuting/foraging bats during the demolition/construction phase.

The content of the method statement shall include, as a minimum the:

- a) purpose and objectives for the proposed works in relation to protection of bats;
- b) detailed working methods necessary to achieve stated objectives;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- d) Persons responsible for implementing the works.

The Construction Method Statement shall thereafter be implemented in full.

Reason: Safeguarding of species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

INFORMATIVES

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

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

3 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

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

DC/2022/00791

A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling **(Conservation Area Consent)**

Church Cottage, Bayfield Road, Mounton

RECOMMENDATION: APPROVE

This application is presented to Planning Committee at the request of the Ward Member, Cllr Brown

Case Officer: Amy Longford
Date Registered: 02/04/2022

1.0 APPLICATION DETAILS

Church Cottage is located to the west of Mounton House in the hamlet of Mounton close to St Andoenus Church. The building is not listed but is within the Mounton Conservation Area. The application seeks Conservation Area Consent for the demolition of the building. There is a concurrent planning application for a replacement dwelling on the site.

Mounton Conservation Area forms two main parts, Grade II* Mounton House and Gardens and the hamlet of Mounton set below Tipping's house in the dell. Church Cottage is situated in the hamlet close to the parish church and is not read in conjunction with Mounton House.

2.0 RELEVANT PLANNING HISTORY

DM 2020 01208 – HH – Demolition of existing porch and erection of single storey extension to existing dwelling house – Withdrawn

DM 2022 00518 – PP – Concurrent Planning Application for replacement dwelling – Pending Consideration

3.0 NATIONAL POLICY

Planning Policy Wales (PPW) Edition10

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. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

Chapter 6 refers specifically to Distinctive and Natural Places with a strong emphasis on the management of the environmental and cultural components of place making. Distinctive and special historic environments are central to Wales's culture and character, whilst contributing to our sense of place and identity. The Historic Environment can only be maintained as a resource for future generations if the individual historic assets are protected and preserved.

Technical Advice Note 24- The Historic Environment

The Purpose of the TAN is to provide guidance on how the planning system considers the historic environment during development plan preparation and decision making and LBC applications. The Historic Environment is considered to include, World Heritage Sites, Scheduled Monuments, Archaeological Remains, Listed Buildings, Conservation Areas, Historic Parks and Gardens, Historic Landscapes and Historic Assets of Special local Interest.

In determining listed building consent and conservation area consent applications particular attention will be given to the Conservation Principles as set out in section1 and in particular sections 5 and 6 of the TAN.

Part 6 refers to management of Conservation Areas and defines the need for Conservation Area Consent. It states that there should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a Conservation Area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (5.15).

Paragraph 6.13 continues to state that Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable.

Cadw Managing Change Guidance

Reference is also made to the following documents.

- Managing Change to Listed Buildings
- Managing Conservation Areas
- Managing Historic Character
- Managing Setting of Historic Assets
- Managing Registered Historic Parks and Gardens
- Managing Listed Buildings at Risk

4.0 LOCAL DEVELOPMENT PLAN POLICIES

Conservation Area Appraisal – no CAA in place

5.0 REPRESENTATIONS

5.1 Consultations Replies

Mathern Community Council – Recommend Refusal

Councillors considered the above application at their meeting on 14th April 2022 and although recognising the flooding issues posed at this site and architectural merits of the proposed dwelling it was felt that it was the wrong building for this location. The current Cottage sits subserviently in its conservation area with Mounton Church at present, but the proposed building does not. The proposal does not blend in complement or reflect the local vernacular and it's proportions and lines are at odds with the other dwellings in the hamlet of Mounton. The materials proposed similarly are at odds to those elsewhere within the conservation area and hamlet. For the above reasons this Council would recommend refusal.

Royal Commission – have not responded to the consultation.

Joint Amenity Societies - have not responded to the consultation.

NRW – raised concerns over the issues of flooding that are addressed in the report for the concurrent planning application. However, following additional information submitted these concerns have been overcome. No objections.

MCC Ecology – have responded with no objections, but suggested conditions which are attached to the end of this report.

5.2 Neighbour Notification

No objection received.

5.2 Local Member Representations

Representations received from Cllr Brown requesting that this and the related planning application be considered by the Planning Committee in relation to issues of design and appropriateness of the development in the Conservation Area.

6.0 EVALUATION

6.1 The building is a traditional vernacular cottage set within the hamlet of Mouton. Evidence shows that the building dates from the late 18th Century with significant additions in early 20th Century by HA Tipping, the architect of Mouton House Park and extensive gardens. However, given the topography Mouton House is set at a much higher level and is not read in direct connection with the subject building. Glimpsed views up to Mouton House are found from the site. The cottage is set adjacent to the lane and in close proximity to the parish church. Therefore, there are no listed buildings in the immediate vicinity of the cottage. The building is of an appropriate scale and mass in the Conservation Area and follows a traditional architectural style. However, the cottage has been modernised with a concrete tile roof, upvc windows, cement render and a modern conservatory to the front. The current building is considered to make a neutral contribution to the special character of the area, neither detracting from or positively enhancing the character or appearance of the Conservation Area.

6.2 The character of this part of the Conservation Area (CA) is defined as a collection of buildings scattered between significant and mature trees, all set within their own grounds, some defined by stone boundary walls to the lane. The Church provides a landmark feature. The cottage is included in this collection of buildings and follows the form of development in the CA. The building has been heavily modernised, however it does not detract from this special character of the special character of the CA. Therefore, for completeness it is considered that the building should be assessed in relation to the criteria set out in TAN 24, 5.15

6.3 5.15 states that the consideration to demolish a building the following factors need to be considered:

- The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
- The efforts made to keep the building in use or to secure a new use, including the offer of unrestricted freehold of the building for sale at a fair market price that reflects its condition or situation.
- The merits of the alternative proposals for the site, including whether the replacement buildings would meet the objective of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

6.4 It is necessary to take these points in turn. Firstly, the condition of the building and the costs of repair. The building is situated adjacent to the Mouton Brook and is within a flood

zone. The building has suffered from extensive flooding causing severe damage. It is no longer being used. There is no internal fabric of historical value. Flood damage means that the costs of refurbishment are substantial and given the clear risk of another flooding event, this is not considered to be economically sensible. Flood prevention will be required which will modernise the building further and change the character and appearance of the building. The building already has a very modern character and has little evidential historic value in itself. The grounds and water gardens that extend down from Tipping's designed gardens at Mounton provide the only remaining historical evidential value to the site. It is therefore considered that the circumstances of the site meet this criteria.

6.5 Efforts made to keep the building in use – The building is residential in use and character and there are no reasons to suggest an alternative use is necessary. The current use remains the most viable in its present location and in line with current planning policy. However, the use is hindered by the position of the building in the flood zone. The works of restoration of the house, together with the costs of flood prevention measures are significant, it is therefore proposed to replace the building and incorporate flooding prevention within the new design. As discussed above the building holds little architectural or historical value in the CA and therefore when balanced against the costs of repair it is not considered necessary to retain the building. The proposed new building maintains an appropriate use in the CA and within the current land use policies.

6.6 The merits of the replacement dwelling – The proposed replacement dwelling takes a different and more contemporary architectural approach when considered against the existing. The proposed dwelling is two storey with a flat roof, uses timber cladding and natural local stone as the main palette of materials. The current building is an 'L' shape from adjacent to the road but is seen as a linear rectangle set back from the road with a flat green roofed garage at the front.

This test is also part of the key consideration of development within Conservation Areas as set out in Planning (Listed Buildings and Conservation Areas) Act 1990, Sec 72, which states;

72. (1) In the exercise, with respect to any building or other land in a conservation area, ... (2) *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

6.7 As identified above the current building is a vernacular style cottage in the CA and does not detract from the character or appearance of the CA. However, the test is considered as neutrality or betterment. The proper management of CA's is not to insist on all developments within it being the same or a facsimile of the previous building types. Effective management of the CA involves enhancement and incorporation of complementing but sometimes contrasting architectural styles in order to create interest and local identity. The consideration of appropriate architectural styles should be that of context, scale, mass, materials and position. The proposed dwelling is of an appropriate scale and mass, following the same two storey scale of buildings around it and is set within its own grounds and maintains the current development pattern. It would not be overtly large or out of proportion with the neighbouring properties. The materials chosen are found in the vicinity and in fact are typical of the Arts and Crafts style of Mounton House, the dominant listed building at Mounton, which followed the use of natural materials and bespoke craftsmanship. When looking at the evidence supplied the drawings of the original cottage, following Tipping's extension, used timber cladding as a wall finish. In addition the position of the building is respectful of the existing pattern and maintains the wider open water gardens, protects the significant specimen trees on the site and does not impinge on views of the adjacent buildings.

6.8 Overall it is considered that a new architectural style which takes its cues from the existing context and locality will positively enhance the character of the CA. A modern

approach to architecture is welcomed to add variety and interest within the hamlet, maintaining and protecting the key important characteristics of the existing setting.

6.9 It is therefore considered that the proposals for the demolition of the existing building and the replacement dwelling preserve and enhance the character or appearance of the CA and are compliant with Section 72 of the Planning (LB&CA) Act 1990 and Paras 5.15 of TAN 24.

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

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

7.0 RECOMMENDATION: APPROVE

Conditions

1. The works shall be carried out strictly in accordance with the approved drawings.
REASON RLB01-Reason – To ensure compliance with the approved drawings.

2. The works to which this consent relates must be commenced no later than the expiration of 5 years beginning with the date on which this consent is granted. RLB01-Reason – To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

4. No development, demolition, earth moving shall take place or material or machinery brought onto the site until a protected species (bats) construction method statement has been submitted to and approved in writing by the local planning authority. The purposes of the method statement shall be:

1. To provide details of how buildings will be demolished; and
2. To provide measures to reduce impacts on commuting/foraging bats during the demolition/construction phase.

The content of the method statement shall include, as a minimum the:

- a) purpose and objectives for the proposed works in relation to protection of bats;
- b) detailed working methods necessary to achieve stated objectives;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- d) Persons responsible for implementing the works. The Construction Method Statement shall thereafter be implemented in full.

Reason: Safeguarding of species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

5. Tree protection throughout demolition.

5. Samples of the proposed stone and timber including finishes shall be submitted to and approved in writing by the local Planning Authority prior to their installation.

REASON – to safeguard the character and appearance of the conservation area.

Application Number: DM/2022/00699

Proposal: To modify condition number 6 of planning permission DC/2007/00551.

Address: 1 Conygree, Pill Row, Caldicot, NP26 5JD

Applicant: Ms Karen Williams

Plans: Location Plan

RECOMMENDATION:

Case Officer: Kate Young Date
Valid: 20.05.2022

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

1.0 APPLICATION DETAILS

1.1 Site Description

Conygree is a row of five properties that are accessed off Pill Row within the Development Boundary of Caldicot. In 2008 full planning permission was granted for four dwellings under DC/2007/00551. There was a subsequent application approved for a fifth dwelling to be provided, DC/2009/00077. All five dwellings are now occupied. There is an area of land to the south of no 1 Conygree that was identified as communal parking for seven vehicles. This area of land between no 1 Conygree and Deepweir Gardens has been surfaced in gravel and is surrounded by garden fences.

When the four houses were approved there was a condition imposed on the approval stating that:

No occupation of the proposed dwellings shall take place until the parking and service vehicle provision has been provided in accordance with the approved plans and that this area shall not thereafter be used for any purpose other than the parking of vehicles.
Reason: To ensure provision is made for the parking of vehicles.

The site is located within an Archaeologically Sensitive Area and is within a C1 Flood Zone as identified within the TAN15 DAM Maps.

1.2 Proposal Description

The occupier of No 1 Conygree (the applicant) has now purchased the land to the south of her property from the original developer and wishes to use the land as residential curtilage. A side hung timber gate has been erected at the entrance to this land. The current application seeks a modification of the condition on the original approval to allow the land at the side of no. 1 Conygree to be used as residential curtilage rather than communal vehicle parking.

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

Development Management Policies

EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
SD3 LDP Flood Risk

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

Caldicot Town Council - Approve

Highway Authority - No Objection

Due to the changes over the years and the extra space to the north-west it is considered that the entire site has enough space to afford the required parking spaces without having a detrimental

impact on the adjacent public highway. Therefore, there are no highway grounds to object to the application.

5.2 Neighbour Notification

Letters of objection received from seven addresses:

The parking area is used by residents and their visitors to park cars

Inadequate parking elsewhere on the site

The deeds to the other properties state that there is additional parking provision on the application site

The application site has been maintained by other residents

Other residents agreed to financial support and physical support to maintain the site

The transfer documentation for the Conygree houses clearly outlines that this area is designated as "shared drive and parking" and that it should not be obstructed

Affect the property value of the houses and there is a need for deeds of variation to be created to remove rights of access to this land, which would surely cost the residents extra

May lead in increase in parking on the narrow road

Neighbour is unable to maintain her fence as access is denied.

Letters of support from two addresses:

The land in question has become overgrown and neglected

The fence has fallen down

No financial help or support from neighbours to maintain the ground

No cars were ever parked on the site.

5.3 Other Representations

None Received

5.4 Local Member Representations

None Received

6.0 EVALUATION

6.1 Highway Safety

There is only one primary consideration in this case and that is how the proposal would affect the interests of highway safety. The only issue to consider is whether there is sufficient parking provision within Conygree to provide for the existing five properties without using the parking provision which is the subject of this application, to the side of no. 1. Is the parking provision on the application site needed, in line with the adopted Monmouthshire Parking Standards and should it be retained in perpetuity?

The entire site and its access road are private land and not a part of the public highway. The site is accessed via the unclassified C267.2, a narrow historic road that is now severed on its southern end, and only serves the residential properties along its length. To consider the application, we must consider how the properties can best fulfil their parking requirements under the local parking regulations and any safety aspects for the public highway. When the houses were approved in 2008 the parking standards of the time would have required two off street parking spaces per dwelling. A plan was submitted at the time that showed that this could be achieved.

The four initial properties were constructed as three-bedroom dwellings, and therefore under the current adopted parking standards each would have to be provided with three parking spaces. The design of the initial application provided a single hardstanding space in front of each dwelling and an additional seven within the area of land now under consideration. The remaining frontage was to be turfed and the larger space in front was either as hardstanding or a small, grassed area for a protected tree. However, the current adopted parking standards were introduced in 2012 and as such the properties do not adhere to it, and in many cases it is difficult or impossible to

retrospectively apply such requirements. The parking standards should not be applied retrospectively, the previous application for four dwellings needs to comply with the standards that were extant at the time.

Since the approval in 2008 the mature tree in the centre of the site has been felled and there is now additional informal parking in the front of the dwellings. Considering that the properties are all approximately 6.5m wide, and parking spaces being at minimum 2.6m wide, this allows two vehicles to park adjacent to each other in front of each property. It should be noted that a parking space is at a minimum 4.8m long, and therefore if No.1 were to park in front of their property as suggested, the entire area in question would be inaccessible to any other highway user. It is also noted that No.5, being built later, is not as wide at only 5.2m, however this still allows two spaces in front, and therefore meets its requirements as a two-bedroom property.

The highway authority officers offer no objection to the proposed removal of the condition. They consider that there is enough space afforded to the required parking space in the front of the properties without the additional spaces on the application site to the side of no. 1. There is sufficient parking provision within Conygree to provide the required parking spaces without having a detrimental impact on the adjacent public highway. Therefore, there are no highway grounds to object to the application. The removal of this condition from the original approval to allow the land in question to be used as residential curtilage rather than additional parking is considered acceptable and will not have detrimental impact on the safe use of the highway. Therefore the proposal complies with Policy MV1 of the LDP.

6.2 Ecology/Biodiversity

Policies NE1 and GI1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. In this case, however, there would be no significant adverse impact and it is considered that due to the nature of the site any enhancements would make a negligible impact therefore the lack of such an enhancement would not result in the application being refused and it is not considered that a condition to require such details is required. Appeal decision APP/B6855/D/21/3282747 has been given significant weight in this regard.

6.3 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.

6.4 Response to the Representations of Third Parties

Caldicot Town Council have recommended approval for the application. The other residents of Conygree say that they do use the application site for parking their cars and so do their visitors. This may be the case but there is sufficient parking provision elsewhere on the site and the highway authority offer no objection to the revised arrangement. There is sufficient parking provision within Conygree to meet the parking standards that were in place when the dwellings were approved in 2008. The amount of parking provision in Conygree has increased since the original application was approved as the area of green open space has been reduced and extra parking provision provided. The fact that the deeds to the properties in Conygree refer to additional

parking provision is not a material planning consideration, rather it is a private legal matter in which the Council is not involved. Whether or not local residents have helped to maintain the application site is not relevant to the highway safety issue which is central to this case. The Highway Authority consider that there is sufficient parking provision within the site and therefore the removal of the additional parking provision will not result in additional parking on Pill Row itself. Case law has established that the devaluation of property prices is not a material planning consideration. The question of access to a neighbour's fence for purposes of maintenance is not relevant here as it is a private legal matter between the two parties.

6.5 Conclusion

The only issue here is the question of highway safety. The highway authority consider that sufficient parking provision can be provided within the development without the additional provision on the application site. The level of parking meets the standards required when the houses were approved in 2008. The proposal will not result in additional on street parking and the application complies with the objectives of Policy MV1 of the LDP with regards to on-site parking provision. Highway safety will not be compromised as a result of the condition being removed. If cars were parked at the front of each dwelling as per the approved layout plan then this would block off the access to the additional parking area and the entire area in question would be inaccessible to any other highway user. There is sufficient parking provision within Conygree to provide the required parking spaces without having a detrimental impact on the adjacent public highway.

7.0 RECOMMENDATION: APPROVE

Conditions:

None

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Application Number: DM/2021/00037

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

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

Applicant: Mr O. P. Stephens

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

RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Valid: 12.01.2021

1.0 APPLICATION DETAILS

1.1 This application is being re-presented to Committee on a point of clarification. At the meeting held on 8th June 2022, Members debated the proposal and resolved to approve the application subject to the conditions outlined in the report and subject to a Section 106 legal agreement and that Condition 9 be amended as follows:

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

At the meeting, however, it has been noted that there was some lack of clarity in the debate about the distinction between the access and the driveway / parking area and what was being considered at the outline stage. So to clarify this and to be fair to all parties, the application is presented back to ensure Members are certain about these points.

1.2 To be clear, the point of access to the plot off the lane is *fixed* within the outline application which has not reserved the means of access to the site. Beyond the access itself, the layout of the driveway / parking area will be considered as part of the reserved matters – i.e. as part of *the layout* of the development which *is* a reserved matter.

1.3 Members are invited to re-consider the application accordingly.

PREVIOUS REPORT (8th June 2022)

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

1.0 APPLICATION DETAILS

1.1 Site Description

1.2 Stray Leaves is situated within the village of The Narth, which is one of the Minor Villages (under Policy H3) as defined in the Monmouthshire Local Development Plan (LDP). In Minor Villages planning permission will be granted for minor infill development of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including there being no unacceptable adverse impact on village form and character and surrounding landscape, and other relevant policies of the LDP.

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

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

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

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

2.0 RELEVANT PLANNING HISTORY - None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

3.0 Supplementary Planning Guidance

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Trellech United Community Council - Refused:

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

Wye Valley AONB Office - No response to date.

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

MCC SAB - Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>

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

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

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

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

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

5.2 Neighbour Notification

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

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

5.3 Local Member Representations

No response to date.

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

6.0 EVALUATION

6.1 Principle of Development

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

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

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

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

6.3 Impact on Amenity

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

6.4 Biodiversity

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

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

undertaken a careful, detailed check for active birds' nests immediately before the works commence.

6.5 Highways

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

6.6 Phosphates Sensitive Area Wye Valley Catchment

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales (including the latest update in May 2021). Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

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

6.7 Surface Water Drainage

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

6.8 Foul Drainage

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

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

The proposed private package treatment plant has been fully considered and it is recommended by officers that the proposals are unlikely to have an unacceptable impact on health, amenity

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

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

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

6.9 Construction Traffic & amenity

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

6.10 Affordable Housing

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

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

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

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

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

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

6.11.2 Here are the responses to the neighbour objections:

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

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

Over development - please refer to section 6.1 of this report

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

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

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

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

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

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

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

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

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

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

Inadequate access - please refer to section 6.5 of this report

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

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

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

The proposed drainage bed will not therefore comply with Building Regulations - The Council's Building Department was consulted on the proposed drainage scheme and has no objection.

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

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

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

6.13 Conclusion

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

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

7.1 S106 Heads of Terms

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

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

REASON: The application is in outline only.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 The hereby approved dwelling shall have the following upper and lower limits for height, width and length **[N.B. WORDING AMENDED AT 8th JUNE MEETING]**

Height: 9m and 8m.

Width: 16m and 15m.

Length: 22m and 17m.

REASON: The application is in outline only.

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: 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

This application was presented to Committee on July 6th 2022 with a recommendation for approval. This was not accepted by Members who deferred the application for further negotiation with the applicant. Following this meeting, Officers gave three options to the applicant:

- Revert back to the original (approved) scheme;
- Reduce by 500mm for further consideration; or
- Keep the proposal as it is (although Members have expressed concerns with this)

Following discussions with Officers, the applicant wishes the Committee Members to determine the application as originally presented. On this basis, the following reason for refusal is suggested for consideration in the event that Members consider the current proposal to be unacceptable:

1. By virtue of its unacceptable scale and mass, the proposal fails to respect the existing form, scale, massing and layout of its setting and is therefore contrary to criterion c) of the Monmouthshire Local Development Plan Policy DES1.

The previous report and recommendation are below.

PREVIOUS REPORT (July meeting)

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
DM/2019/01627	Double garage construction.	Approved	05.12.2019

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

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.

SEWBRc 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable

development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the 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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New Appeals 28.05.2022 to 20.07.2022

Application No.	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
DM/2022/00229	Little Cider Mill Barn Tre Herbert Road Croesyceiliog Monmouthshire NP44 2DE	Retention of 6ft high gates to replace existing 5 bar gate.	Appeal against Refusal	Written Representation	04.07.2022
E22/010	Little Cider Mill Barn Tre Herbert Road Croesyceiliog Monmouthshire NP44 2DE	Erection of 2 metre high gates	Appeal against Enforcement Notice	Written Representations	05.07.2022
DM/2021/00568	Grove View Bully Hole Road Earlswood Shirenewton Chepstow Monmouthshire NP16 6SA	Occupation of the building by a non agricultural/forestry worker.	Appeal against Refusal	Hearing	07.07.2022

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